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## CROPLAND ADJUSTMENT PROGRAM AGREEMENTS

WEDNESDAY, JULY 12, 1967

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, D.C.

The committee met, pursuant to notice, at 11:15 a.m., in room 1301, Longworth House Office Building, Washington, D.C., Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Gathings, Abernethy, Jones of Missouri, Stubblefield, Foley, de la Garza, Vigorito, Jones of North Carolina, Nichols, Belcher, Rarick, Teague of California, Mrs. May, Dole, Hansen, Wampler, Miller, Burke, Mathias, Mayne, Zwach, Kleppe, and Price.

Also present: Christine S. Gallagher, clerk; Hyde H. Murray, assistant counsel; Francis LeMay, staff consultant; and Fowler C. West, assistant consultant.

The CHAIRMAN. The committee will come to order.

We have before us H.R. 2375.

(H.R. 2375 and departmental report follow:)

[H.R. 2375, 90th Cong., first sess.]

A BILL To amend the Food and Agriculture Act of 1965

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."*

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., May 24, 1967.

HON. W. R. POAGE,  
Chairman, Committee on Agriculture,  
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of March 16, 1967, for a report on H.R. 2375, a bill "To amend the Food and Agriculture Act of 1965."

This Department recommends that the bill be passed.

Section 602(a) of the Food and Agriculture Act of 1965 now provides, with certain exceptions, that a cropland adjustment program agreement shall not be entered into on land of which the ownership has changed during the 3-year period preceding the first year of the agreement. H.R. 2375, if enacted, would permit placing in the program without regard for the term of past ownership a farm acquired by an otherwise eligible producer to replace one from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. This would be in line with provisions of other programs involving such cases.

The enactment of H. R. 2375 would have the effect of making a few additional farms eligible to participate in the program. This could slightly increase the total fund requirements of the cropland adjustment program, except that when all producers' requests to participate exceed the amount of the authorized program, there would be no increased total cost.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

The CHAIRMAN. We will recognize Mr. Stubblefield.

**STATEMENT OF HON. FRANK A. STUBBLEFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY**

Mr. STUBBLEFIELD. Mr. Chairman and members of the committee H. R. 2375 would amend section 602(a) of the Food and Agriculture Act of 1965 by providing that if a producer is displaced from a farm due to its acquisition by any Federal, State, or other agency having the right of eminent domain, he may enter into a cropland adjustment program agreement on another farm which he has acquired to replace the one from which he was displaced.

You will note, Mr. Chairman, the Cropland Adjustment Act has a limitation of 3 years contained therein, placed on it timewise, before a farmer can enter into the cropland adjustment program.

Without this legislation, Mr. Chairman, the farmer could not enroll the replacement farm in the CAP.

The pertinent part of section 602(a) of this act states:

No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period.

For example, if there is a piece of land within the State of Kentucky, in my area, and is for any reason owned by a man in Tennessee and if the Bureau of the Budget comes along and takes over that land under an acquisition program for certain reasons, the people whose land is acquired, within the 3-year period, living in Tennessee are eligible to share in the CAP program and the land that is being acquired for one reason or another 3 years later is not eligible. So, this is really a matter of equity that is beyond the control of the farmers in this situation.

This is a situation that you run into, though I might state there are very few. I am sure that it affects some areas otherwise, too, where land is taken over in exercising the right of eminent domain by the Government.

The CHAIRMAN. Your problem really lies in the fact that this land has changed hands in the 3-year period, is that it?

Mr. STUBBLEFIELD. This is in the exercise of eminent domain.

The CHAIRMAN. I understand that.

The present law, as I understand it, provides that no agreement shall be entered into concerning land where the ownership has changed within the 3-year period of time. That is what you are taking out?

Mr. STUBBLEFIELD. That is it.

The CHAIRMAN. I am not criticizing, but I am trying to find out what this is.

Your trouble is that the law says that if the land is sold within 3 years from the time it is condemned you cannot—

Mr. STUBBLEFIELD. It has to be relocated. The Government goes in and says, "We will take your farm." He moves over to another county and buys another farm, but he is precluded from sharing in the CAP because of the 3-year limitation. This is an extension to the 3-year limitation.

Mr. DOLE. It is an extension?

Mr. STUBBLEFIELD. Yes.

The CHAIRMAN. Now, I understand you to say, "Yes". I first understood you to say, "No".

The problem is that this land has changed hands within 3 years. I mean, are you telling us that the ownership has changed within the 3-year period of time?

Mr. STUBBLEFIELD. It has not, but it is going to.

The CHAIRMAN. It is going to?

Mr. BELCHER. If you will yield. You condemn the land; that is, the governmental agency does. They have to go someplace else to buy land, and, as I understand it, they want to transfer the allotment to the new farm.

Mr. STUBBLEFIELD. Yes.

Mr. BELCHER. But the farmer cannot do it for 3 years because of this particular section that says since he has bought the farm within the 3-year period that that cannot happen, and if he buys another farm, even though it is within the 3-year period of time, he cannot ask for the allotment.

Mr. STUBBLEFIELD. Yes. Well, he has to wait.

Mr. BELCHER. That is what I say. He cannot do it, unless you make an exception in here for the farmer who has entered into this arrangement.

We do not want to open up a new program. It is only if a man has had his land condemned, as I understand it. That is it.

The CHAIRMAN. That is correct.

(Discussion was had outside the record.)

Mr. STUBBLEFIELD. I believe Mr. Cox from the Department could give us an answer to that.

The CHAIRMAN. Let us hear from Mr. Cox then.

**STATEMENT OF CHARLES M. COX, ASSISTANT DEPUTY ADMINISTRATOR, STATE AND COUNTY OPERATIONS, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE; ACCOMPANIED BY CARL ROSE, OF THE GENERAL COUNSEL'S OFFICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. Cox. Mr. Chairman and members of the committee, I have a prepared statement which I would like to submit for the record.

The CHAIRMAN. I have read your statement, but I must confess I do not understand it. It will be made a part of the record at this point.

(The prepared statement submitted by Mr. Cox follows:)

**STATEMENT OF CHARLES M. COX, ASSISTANT DEPUTY ADMINISTRATOR, STATE AND COUNTY OPERATIONS, A.S.C.S., U.S. DEPARTMENT OF AGRICULTURE**

Mr. Chairman and members of the Committee, I am Charles M. Cox, Assistant Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.



I am glad to appear before the Committee to present the Department's views with respect to H.R. 2375.

The Department recommends that H.R. 2375 be passed. The bill would amend section 602(a) of the Food and Agriculture Act of 1965 by providing that if a producer is displaced from a farm due to its acquisition by any Federal, State, or other agency having the right of eminent domain, he may enter into a cropland adjustment program agreement on another farm which he has acquired to replace the one from which he was displaced.

Without such legislation he could not enroll the replacement farm in the CAP. The pertinent part of section 602(a) of this act states: "No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period."

The number of cases involved and the increased program and administrative costs that would result from the enactment of this amendment would be very small. However, this treatment could be important to the individual farmers concerned.

The enactment of this amendment would show further support for the intention that the CAP is designed to help people make needed land use adjustments—sometimes called "people adjustment"—as well as to help bring about a needed balance of supplies with demand.

You know, of course, that the House of Representatives denied (in H.R. 10509) the 1968 budget request for authorization to accept new CAP agreements beginning with 1968. The Senate has not yet acted on this. However, the Department of Agriculture favors H.R. 2375 as an amendment for use in any year for which agreements can be accepted.

Mr. Chairman, I appreciate the opportunity to appear before this Committee. I shall be glad to respond to any questions. Thank you.

Mr. Cox. I will try to clarify it for you.

The purpose of the bill is to make an exception to the 3-year ownership rule that is a prerequisite at the present time for participation in the CAP.

All that Congressman Stubblefield is trying to do is to provide equitable treatment for those people who have their lands taken over through the exercise of the right of eminent domain, and where they subsequently decide they want to acquire another farm.

Under the eminent domain statute, the farmer has the right to have his allotment pooled for the farm that is taken over and later to transfer that allotment to other farms that he may subsequently acquire or to farms which he already owns.

All this bill would do would be to make those farms which are acquired within a 3-year period eligible for participation in the CAP. The Department endorses the bill.

The CHAIRMAN. Mr. Jones of Missouri.

Mr. JONES of Missouri. The land that was taken over by the exercise of the right of eminent domain, if he would have had it for 3 years, it would be eligible; otherwise, not?

Mr. Cox. This is not entirely clear in this bill, but it could be interpreted to mean this.

Mr. JONES of Missouri. If he did not have the authority on the land that was taken over under the right of eminent domain, he could not have it in the transfer then.

Mr. Cox. I am saying that the bill as drawn at the present time could cover the kind of situation that you describe.

Mr. JONES of Missouri. If I try to buy the land—if I own it 6 months and I have no allotment and the Government takes it over, then I would get an allotment somewhere else?

Mr. Cox. I may say also that the exception that is in the bill that deals with inheritance is also this broad. In other words, a farmer,

for example, who acquires a farm 6 months prior to the inauguration of the program and dies—the language in the statute at the present time is broad enough that his heirs would be eligible, though the original person would not be eligible.

This amendment is drawn in identically the same fashion. The committee may want to revise it to deal with the problem that you are talking about.

There is also another problem, Mr. Chairman, that the committee may want to consider in connection with this bill. You have identically the same problem with a 2-year ownership rule with respect to the cropland conversion program. There is no exception for land that is taken under the right of eminent domain. It would seem to us that if one of these situations is deserving the other is equally deserving, and the committee may wish to give consideration to an amendment here also.

The CHAIRMAN. How far are you going to let this go, the theory that this provision cannot prevent a man from getting an allotment if the farm was acquired by a Federal agency and he was displaced?

Mr. COX. The legislation would cover this—it says acquiring land.

The CHAIRMAN. That is, the time you start to acquire land in your particular area, but this is not just for western Kentucky. If the Government of the United States condemns the land, he is moved off that land, the question is: Are they going to get their allotment as a result of this bill now?

Mr. COX. They already have the right, Congressman Poage.

Mr. POAGE. I understand what they already have, but—

Mr. COX. They could be equally eligible for consideration for participation in the cropland adjustment program if the Congress sees fit to authorize that.

The CHAIRMAN. I understand he has the right to move his allotment. At least, he has the right to move his allotment if he acquires some other land within a limited time. I think it is a year, was it not, or something of that kind, to buy some other suitable land and he could move his allotment to that land?

Mr. COX. He has 3 years.

The CHAIRMAN. All right. That has long since passed.

Now, then, by virtue of this bill, is he going to be able to go out and get the allotment?

Mr. COX. Absolutely not.

The CHAIRMAN. Why?

Mr. COX. This does not affect him.

The CHAIRMAN. Why does it not?

Mr. COX. Because the eminent domain statute is a part of another law, as I understand it, Mr. Chairman, and this amendment only applies to situations where the farmer avails himself of the opportunity that he has under the eminent domain statute, to transfer an allotment or a base pooled for his benefit to another farm. He exercises that option within the 3-year period that he is permitted. This amendment says that if you acquire a farm then and move the allotment onto it, you can, notwithstanding the 3-year-ownership rule that is required as a prerequisite for the CAP, nevertheless, be eligible to participate in the CAP.

The CHAIRMAN. I do not read that in the bill. I hope that is what it does. I am sure that is the intention.

Mr. Cox. This is what it means to us.

The CHAIRMAN. It says:

The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain:

"Was displaced." It does not say anything about when. It just says if you were displaced. Just that he has the right to participate in the farm program no matter when he was displaced, as I see it.

Mr. Cox. This particular amendment is an amendment to the Food and Agriculture Act of 1965.

The CHAIRMAN. Yes.

Mr. Cox. I will have to ask Mr. Rose here, who is with me, where the eminent domain statute is found. I think it is a part of the Agricultural Adjustment Act of 1938, as amended. I know it has been in the law for many, many years.

The CHAIRMAN. Yes. But when you come along and say that it will not prevent him from doing these things; I fear he has a right to do these, regardless of what the eminent domain statute says.

Mr. Cox. We do not interpret it that way.

The CHAIRMAN. Mr. Jones of North Carolina.

Mr. JONES of North Carolina. Would this clarify the situation, if this was added, that it was acquired—this is in line 7—by a producer to replace a farm participating in the CAP from which he was displaced?

Mr. Cox. I believe that would be a little bit too restrictive because you may have situations where they are not participating in the program at present and they would like to participate in the future.

I think that you could reach Congressman Jones of Missouri's objection that he raised a while ago by saying that it would have to be eligible land. If you would substitute that language, I think that would be all right.

Mr. JONES of North Carolina. Under the terms of this bill, you, actually, put the farmer in the program without any previous history.

Mr. Cox. Additional farmland would be eligible.

Mr. JONES of North Carolina. Yes.

Mr. Cox. And I think you could reach Congressman Jones of Missouri's objection by requiring that the land that he has lost by the right of eminent domain also be eligible before the land which he acquired would be eligible. We would be glad to draw an amendment of that kind.

The CHAIRMAN. Does this apply to all of the allotted crops?

Mr. Cox. Yes, sir.

The CHAIRMAN. Take peanuts that has an allotment of 1,610,000 acres.

Mr. Cox. Right.

The CHAIRMAN. You could add several thousand acres here, could you not?

Mr. Cox. No.

The CHAIRMAN. Why not?

Mr. Cox. Because you still would not have any more acreage to distribute, Mr. Chairman.

The CHAIRMAN. Why would you not?

You just got through saying that you did not have to have an allotment on the original land.



Mr. Cox. If I said that, I did not intend to say that, Mr. Chairman. In other words, you have to have an allotment on the original land. It has to be pooled for your benefit, and moved to the new land in order to be able to participate at all.

The CHAIRMAN. I thought that was the purpose of Mr. Jones' question; that is, Mr. Jones of North Carolina.

Mr. JONES of North Carolina. It was.

The CHAIRMAN. Yes.

Mr. Cox. No. I think that Congressman Paul Jones' question dealt with the proposition that this bill is broad enough so that a farm which is not presently eligible for cropland adjustment and is lost under the right of eminent domain, if the farmer acquires another farm and has the allotment transferred to it, that the language in this bill is broad enough to make it eligible. I said that could be cured by requiring that the land which is lost under the right of eminent domain also be eligible for participation in the CAP as a prerequisite for permitting this to be done.

The CHAIRMAN. The former owner of the land acquires the right to do with the new land what he could have done had there been no exercise of eminent domain.

Mr. Cox. This is correct.

The CHAIRMAN. This is different from what you just got through saying.

Mr. DOLE. Mr. Cox, if the land acquired under eminent domain consists of 60 acres, and then the owner acquired 100 acres, how much would be eligible under the amendment, 160 or 60 acres?

Mr. Cox. Under the eminent domain statute, Congressman Dole, the local county committee has some authority with respect to the amount that can be transferred to the newly acquired farm, but the only restriction that they have is that it not result in allotments out of line with other farms in the community.

Mr. DOLE. You would not have any objection to having in this bill the requirement that one could not have any more eligibility on the replacement farm than before?

Mr. Cox. No; we would not have any objection to that.

The CHAIRMAN. Mr. Kleppe?

Mr. KLEPPE. May I just pursue this question of Mr. Dole's a second?

Then, there is no way that you can categorically answer this question: If a man has a 100-acre farm and acquires another farm and this land is taken by eminent domain, and he had 60 acres, he cannot answer specifically that he would have 160 acres; is that correct?

Mr. Cox. I cannot answer it categorically, but that is because of the fact that this may result in an allotment for the acquired farm that would be out of line with other farms in the community.

Mr. KLEPPE. Therefore, it is strictly up to the county committee?

Mr. Cox. The county committee has some discretion that they can exercise.

Mr. KLEPPE. Thank you. That is all, Mr. Chairman.

The CHAIRMAN. It looks to me like we are getting nowhere on this. I wonder if we could get a clearer explanation of what we are trying to do here, and what it does do and how it does it.

I do not mean to criticize Mr. Cox or Mr. Stubblefield or anybody. We are doubtless just dumb but I wonder if you would not get Mr.

Bagwell to come down here and give us some legal explanation of this thing, because it does not appear to work out as you say it does, at least, that is the way it appears to me.

We are talking about amending every allotment in the United States that is involved in this and every crop that has allotments involved, and it seems to me that it is a tremendous thing to pass this sort of thing out in a 15-minute discussion without legal help.

We might invite Mr. Bagwell to come down here and give us an explanation of this.

Mr. STUBBLEFIELD. I know that it refers to allotments. It would take it away from him; and when he relocates, he takes the 100 acres with it.

The CHAIRMAN. I do not think that the committee has any objection to that.

Mr. STUBBLEFIELD. That is the only issue. I am not interested in anything else.

The CHAIRMAN. But we want to know that that is all we are doing. I do not want to be adding thousands of acres to the cotton allotments or to the peanut allotments or to the tobacco allotments. I do not want it to be breaking down our programs.

Mr. Cox. I have a representative of the General Counsel's Office with me, Mr. Rose.

The CHAIRMAN. We also have several other witnesses that we have scheduled to hear this morning.

I feel that we have a responsibility here. I wish you would write it out so that we can understand it.

Mr. Cox. We will try to provide you with an example.

(The example is as follows:)

#### EXAMPLE

In 1966, a producer's 500-acre farm was acquired by the Tennessee Valley Authority. The producer had owned and operated the farm for a number of years. The farm had a cotton allotment of 100 acres. In 1967, the producer purchased a new farm consisting of 500 acres. The new farm had a small peanut acreage allotment but no cotton allotment. Pursuant to the provisions of section 378 of the Agricultural Adjustment Act of 1938, a cotton allotment of 100 acres was established for the new farm.<sup>1</sup>

While the producer may now produce cotton and peanuts within the farm acreage allotments for such commodities, he may not under the existing provisions of section 602(a) of the Food and Agriculture Act of 1965 enter into an agreement under the Cropland Adjustment Program. Section 602(a) provides in pertinent part that except under certain conditions "no agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period."

The three-year ownership rule in section 602(a) is designed to prevent speculation in the Cropland Adjustment Program and makes ineligible land acquired for the purpose of program participation. By its terms, the three-year ownership rule is not applicable to two types of situations where it is clear that the change of ownership involves no speculation; *i.e.*, where the new ownership of the farm is acquired by will or succession as the result of the death of the previous owner, and where the farm has been operated for three or more years by the same person who will control the land for the entire agreement period.

<sup>1</sup> H.R. 2375 would make no changes in the eminent domain provisions of the Agricultural Adjustment Act of 1938, as amended. Section 378 of such Act provides that the allotment determined for any commodity for any land from which the owner is displaced because of the acquisition of the land for any purpose (other than the continued production of allotted crops) by any Federal, State, or other agency having the right of eminent domain shall be placed in an allotment pool. Upon application to the county ASC committee within three years after the date of displacement, any owner so displaced shall be entitled to have the acreage transferred from the pool and used in establishing allotments for other farms owned by him. The allotments so established shall be comparable with the allotments determined for other farms in the same area.

Enactment of H.R. 2375 would simply provide that a producer who has purchased a farm to replace one taken through eminent domain may participate in the program even though he has not owned his new farm for three years.

No speculation is involved in the purchase of a farm to replace one taken through eminent domain. Therefore, it would appear clear that the provisions of H.R. 2375 are not in conflict with the purpose of section 602(a).

The CHAIRMAN. Our next witness is a colleague of ours, Hon. J. Edward Roush of Indiana. You may proceed Mr. Roush.

## STATEMENT OF HON. J. EDWARD ROUSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. ROUSH. Mr. Chairman, I appreciate the opportunity to testify in support of the legislation proposed by Congressman Stubblefield and now before this committee for its consideration, H.R. 2375, a bill to amend the food and agriculture act of 1965.

I have introduced identical legislation myself and for many of the same reasons as those offered by Congressman Stubblefield. Although more individuals are affected in the State of Kentucky than in my own State of Indiana, I believe the inequality and injustice, whether affecting few or many, must be eradicated.

Mr. Chairman, it seems important to me that we right an obvious and insupportable wrong, which, though accidental, is no less serious. The individuals involved have suffered the loss of their property to Federal, State, or other agencies having the right of eminent domain and then are additionally deprived of the right to participate in a corpland adjustment program agreement because the Food and Agriculture Act of 1965 does not allow such participation in any case in which the ownership has changed during a 3-year period preceding the first year of the agreement.

H.R. 2375 would remedy this situation by allowing farms acquired by an eligible producer to replace ones from which they were displaced because of eminent domain rights, to participate in the program without regard for the term of past ownership.

The Department of Agriculture has assured us that the number of such cases would be minimal; that such action is in line with provisions of other programs involving such cases; that there would be no increased total cost.

Mr. Chairman, I strongly recommend the passage of H.R. 2375 as a valuable, important, and humane modification of our present legislation.

The CHAIRMAN. Thank you, Mr. Roush.

We have as a witness Mr. Harry L. Graham, legislative representative of the National Grange. Mr. Graham has asked that his statement be submitted for the record, and without objection, it will be made a part of the record.

(The statement submitted by Mr. Graham follows:)

## STATEMENT OF HARRY L. GRAHAM, LEGISLATIVE REPRESENTATIVE, NATIONAL GRANGE

Mr. Chairman and members of the committee, the Grange is pleased to support H.R. 2375, introduced by the distinguished Congressman from Kentucky, Mr. Stubblefield, and related bills to permit the transfer of history of production to newly acquired farms by those who have lost land through the exercise of eminent domain by an agency of the government.



This seems to be such a reasonable and logical bill that we can understand no reason for objection to it. The history of production in crops under mandatory controls, as well as those under voluntary programs, is really the economic lifeblood of the farmer. Without these bases which are the result of the history of production, the farmer is effectively put out of business.

This transfer will in no way increase the acreage allocated to the crops that would be involved. It does, however, protect the interest of the farmer who has lost his acreage in action deemed to be in the general welfare.

The very rightness of the bill commends it to us, and we, in turn, urge your favorable consideration of this legislation.

The CHAIRMAN. With that, we will pass on to further business.

(Whereupon at 11:40 a.m., the committee proceeded to the consideration of other business.)



LEGISLATIVE HISTORY  
Public Law 90-210  
S 2126

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## INDEX AND SUMMARY OF S. 2126

- Jan. 16, 1967 Rep. Stubblefield introduced H. R. 2375 which was referred to House Agriculture Committee. Print of bill as introduced.
- July 17, 1967 House committee voted to report H. R. 2375 with an amendment.
- Sen. Cooper introduced and discussed S. 2126 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of author.
- Aug. 2, 1967 Senate committee voted to report S. 2126 without amendment.
- Aug. 3, 1967 Senate committee reported S. 2126 without amendment. S. Rept. 475. Print of bill and report.
- Aug. 4, 1967 Senate passed S. 2126 without amendment.
- Aug. 7, 1967 S. 2126 was referred to House Agriculture Committee. Print of bill as referred.
- Nov. 13, 1967 House committee reported H. R. 2375 with an amendment. H. Rept. 913. Print of bill and report.
- Nov. 20, 1967 House passed S. 2126 with amendment, inserting language of H. R. 2375. H. R. 2375 was tabled due to passage of S. 2126.
- Dec. 7, 1967 Senate concurred in House amendment.
- Dec. 18, 1967 Approved: Public Law 90-210

Hearings: House Agriculture Committee hearing on H. R. 2375 included in Miscellaneous Hearings, Serial GG.









# H. R. 2375

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1967

MR. STUBBLEFIELD introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Food and Agriculture Act of 1965.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 602 (a) of the Food and Agriculture Act of  
4       1965 is amended by adding at the end thereof the following  
5       new sentence: "The foregoing provision shall not prevent a  
6       producer from placing a farm in the program if the farm  
7       was acquired by the producer to replace a farm from which  
8       he was displaced because of its acquisition by any Federal,  
9       State, or other agency having the right of eminent domain."

90TH CONGRESS  
1ST Session

**H. R. 2375**

**A BILL**

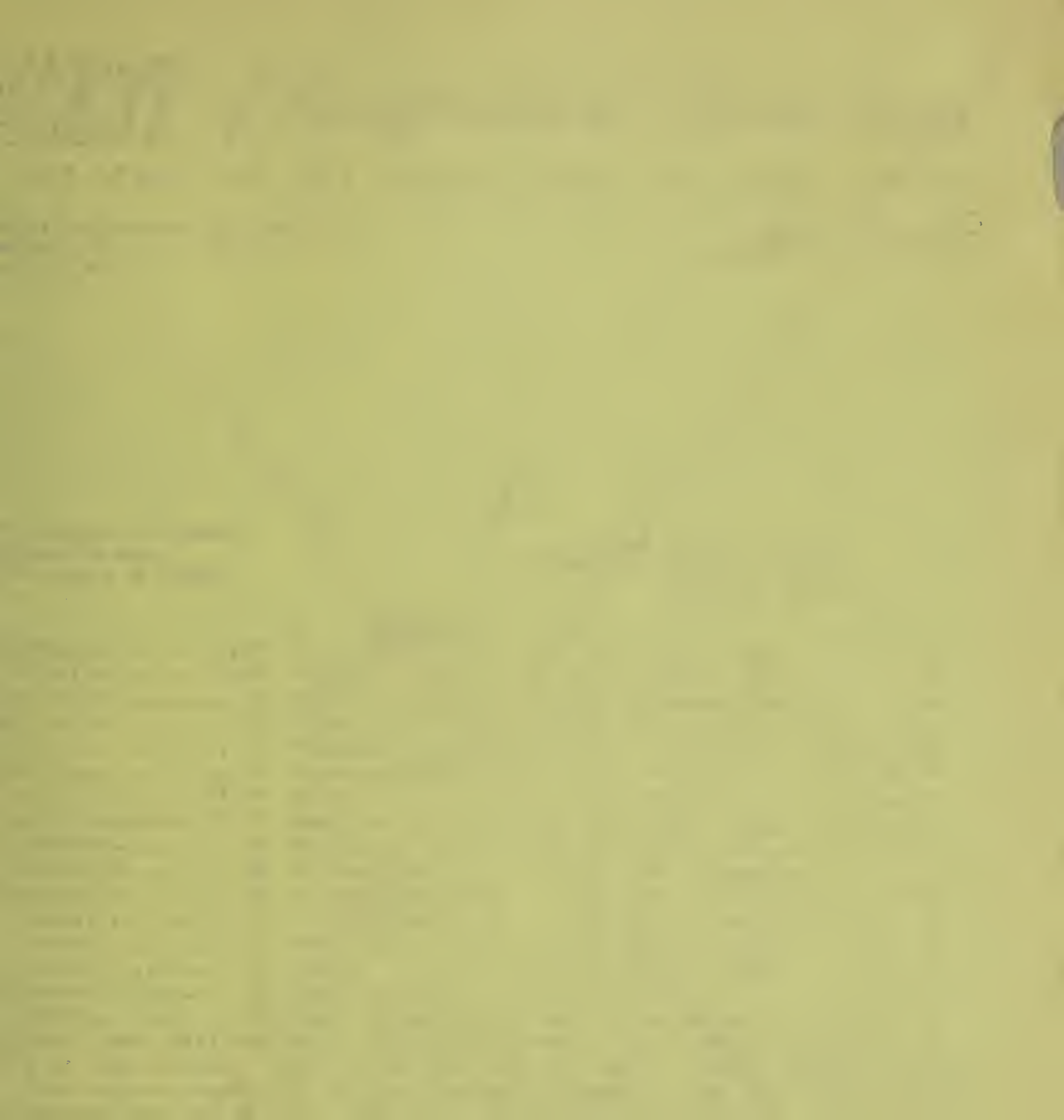
To amend the Food and Agriculture Act of  
1965.

By Mr. STUBBLEFIELD

JANUARY 16, 1967

Referred to the Committee on Agriculture







# DIGEST of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
FOR INFORMATION ONLY;  
(TO BE QUOTED OR CITED)

Issued July 18, 1967  
For actions of July 17, 1967  
90th-1st; No. 109

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HIGHLIGHTS: Sen. Williams, Del., criticized several alleged errors in USDA's reporting of farm payments. House committee voted to report cropland adjustment bill. Rep. Mahon inserted summary of action on budget estimates. Rep. Sisk praised Secretary Freeman's "record of solid achievement." Sen. Cooper introduced and discussed cropland adjustment bill. Sen. Baker introduced and discussed bill to provide assistance to certain processors of cotton.

### SENATE

1. FARM PAYMENTS. Sen. Williams, Del., criticized alleged errors made in this Department's report on farm payments to certain farms in Ind., and inserted several letters correcting these errors. pp. S9754-5
2. FORESTRY. Sen. Morse inserted parts IV and V of the Forest Service and Bureau of Land Management's report "Review of Returns From Sales of Federal Timber." pp. S9741-50

Agreed to a resolution to print the annual report of the National Forest Reservation Commission. p. S9685

3. LOANS. Sen. Aiken discussed his bill S. 1504, to amend the Consolidated Farmers Home Administration Act of 1961, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, and raise the aggregate annual interest rate, and requested a new printing of the bill with 93 cosponsors. p. S9685
  4. AIR POLLUTION. The Public Works Committee reported favorably with amendments, during adjournment on July 15, S. 780, to amend the Clean Air Act to improve and expand the authority to conduct or assist research relating to air pollutants (S. Rept. 403). pp. S9685-6
  5. CONSERVATION. Sen. Jackson announced hearing by a subcommittee of the Interior Committee for Aug. 7, on S. 217, the proposed Mined Lands Conservation Act. p. S9701
  6. FLOOD CONTROL. Sen. Carlson inserted several articles relating to flood damage in the Kan., Neb., and Mo. area and urging completion of flood control projects in this area. pp. S9702-3
  7. PUBLIC LANDS. Sens. Morse and Hatfield discussed and inserted a resolution passed by the Ore. Legislature urging Congress to appropriate funds necessary for rehabilitation of the public grazing lands in Ore. so that necessary watershed protection, natural beauty, and erosion control may be accomplished. pp. S9727-8
  8. RECREATION. Sen. Yarborough inserted an article in which Supreme Court Justice Douglas supports S. 4, to establish a Big Thicket National Park in Tex. pp. S9732-3
  9. HOUSING. Sen. Baker commended and inserted an article on "Senator Charles Percy's proposal to create a National Home Ownership Foundation." pp. S9753-4
- HOUSE
10. PROPERTY. The Agriculture Committee reported H. R. 472, to authorize the Department to purchase a land tract at Texas Southmost College (H. Rept. 486), and H. R. 547, to provide for establishment of the Pleasanton Plant Materials Center at a more suitable location (H. Rept. 487). p. H8804
  11. CROPLAND ADJUSTMENT. The Agriculture Committee voted to report (but did not actually report) H. R. 2375, amended, to amend the Food and Agriculture Act of 1965 to allow a producer to place a farm in the cropland adjustment program if the farm was acquired by the producer to replace a farm from which he was displaced because of Federal or State acquisition. p. D593
  12. WATERSHEDS. The Agriculture Committee approved the workplans for several watershed projects. p. D593
  13. FARM LABOR. Rep. Karth spoke in support of the bill to make the provisions of the National Labor Relations Act applicable to agriculture. p. H8731



# S. 2126

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 1967

MR. COOPER introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To amend the Food and Agriculture Act of 1965.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 602 (a) of the Food and Agriculture Act of  
4       1965 is amended by adding at the end thereof the following  
5       new sentence: "The foregoing provision shall not prevent a  
6       producer from placing an eligible farm in the program if the  
7       farm was acquired by the producer to replace a farm from  
8       which he was displaced because of its acquisition by any  
9       Federal, State, or other agency having the right of eminent  
10      domain."

90TH CONGRESS  
1ST Session

S. 2126

## A BILL

To amend the Food and Agriculture Act of 1965.

By Mr. COOPER

JULY 17, 1967

Read twice and referred to the Committee on  
Agriculture and Forestry



by adding thereto the following new subsection:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to make commitments to purchase and to purchase, service, or sell any mortgages which are insured under section 235 of the National Housing Act. The total amount of such purchases and commitments shall not exceed \$200,000,000 outstanding at any one time. The price to be paid by the Association for any mortgage purchased under this subsection shall not be less than the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items."

The summary, relating to Senate bill 2125, is as follows:

**SUMMARY OF OPERATION HELP, THE HOUSING EXPERT AND LOAN ACT**

The purpose of this legislation is to provide a scheme of assistance to the non-profit sponsor of housing for those of modest means. Federal housing legislation provides special assistance to non-profit sponsors to encourage their entrance into the housing industry. Yet, there are gaps in the federal program which have discouraged potential non-profit sponsors from building or rehabilitating housing.

Too often sponsors do not have the technical know-how to organize and execute a project, nor do they have the financial resources to cover the "packaging" costs of pre-construction activities.

HELP attempts to fill these gaps in two ways: (1) a system of grants to the states to develop technical assistance programs, and (2) a revolving fund at the federal level for advancing money to the non-profit sponsor for costs necessary to develop and prepare the application for federal assistance.

I. This section authorizes \$15 million a year, over a two year period, for grants to states to help finance programs of information and technical assistance to non-profit sponsors with respect to construction, rehabilitation and maintenance of low and moderate income housing. The state would submit a plan to the Secretary specifying the extent of the information and assistance functions it would provide. If the state plan was approved by the Secretary, the federal government would pay 90% of the cost of the program for the first two years, and 50% thereafter.

II. This section authorizes a \$20 million revolving fund at the federal level to assist the non-profit sponsor in the preliminary costs of planning a project. No interest loans would be made by the Secretary to include such items as: preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, FHA and FNMA fees, and construction loan and fees and discounts.

Definitions—Non-profits sponsors means anybody or agency defined in section 221 (d) (3) of the National Housing Act including cooperatives, and moderate income projects are those that have mortgage insurance under section 221, or loans under sections 202 or 515. These include the low and moderate income programs, direct loan program for the elderly, and direct loan program for rural housing.

The bill (S. 2125) to assist nonprofit sponsors of low- and moderate-income housing, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2125

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Expert and Loan Program, Operation HELP."*

**TITLE I**

**PURPOSE**

SEC. 101. It is the purpose of this Title to assist States to make available information, advice and technical assistance to non-profit sponsors with respect to the construction, rehabilitation and maintenance of housing for low- and moderate-income families and individuals.

**GRANT AUTHORITY**

SEC. 102. (a) The Secretary is authorized to make grants to States to help finance programs to provide information, advice and technical assistance with respect to the construction, rehabilitation and maintenance of low- and moderate-income housing by non-profit sponsors. Activities assisted by such grants may include:

(1) the assembly, correlation, publication and dissemination of all information with respect to the construction, rehabilitation and maintenance of low- and moderate-income housing, and

(2) providing advice and technical assistance with respect to the construction, rehabilitation and maintenance of low- and moderate-income housing.

(b) A program assisted under this Section shall:

(1) Specify the information, advice and technical assistance activities to be carried on, and

(2) Justify the need for and costs of such activities.

**AMOUNT OF THE GRANT**

SEC. 103. The amount of any grant under this title shall not exceed 90 per centum of the costs of developing and carrying out a State program, as approved by the Secretary, during each of the first two years of the program, and shall not exceed 50 per centum of such costs thereafter.

**COOPERATION**

SEC. 104. Federal departments and agencies shall cooperate with States in providing information to assist in carrying out the purpose of this title.

**APPROPRIATIONS**

SEC. 105. (a) There are authorized to be appropriated for the purpose of carrying out the provisions of this title not to exceed \$15 million for the fiscal year ending June 30, 1968, and not to exceed \$15 million for the fiscal year ending June 30, 1969.

(b) Any amounts appropriated under this section shall remain available until expended; and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1969.

**TITLE II**

**PURPOSE**

SEC. 201. It is the purpose of this title to encourage and facilitate the construction and rehabilitation of housing to meet the needs of low- and moderate-income families and individuals by making loans to non-profit sponsors for expenses incurred, prior to construction, in developing and in obtaining financing for low- and moderate-income housing.

**LOAN AUTHORITY**

SEC. 202. The Secretary is authorized to make loans to nonprofit sponsors for the expenses incurred, prior to construction, in developing and in obtaining financing for low- and moderate-income housing. Loans under this title may be made for the full cost and in obtaining financing for such housing, including, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, Federal Housing Administration and Federal National Mortgage Association fees, and construction loan fees and discounts. Loans made to any nonprofit sponsor under this section shall be made without interest.

**HELP FUND**

SEC. 203. All funds allocated under this title shall be deposited in a revolving fund known as the HELP Fund, which shall be used by the Secretary for carrying out the purposes of this title. Sums received in repayment of loans made under this title shall be deposited in such revolving fund. Moneys in this fund not needed for current operation may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

**APPROPRIATIONS**

SEC. 204. There are authorized to be appropriated for the purpose of carrying out the provisions of this title not to exceed \$20 million.

**DEFINITIONS**

SEC. 205. As used in this Act—

(1) "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or an agency or instrumentality designated by the chief executive of any of the foregoing, or a statewide agency or instrumentality of its political subdivisions designated by such chief executive.

(2) "Secretary" means the Secretary of Housing and Urban Development.

(3) "Non-profit sponsor" means any body or agency as defined in Section 221(d)(3) of the National Housing Act of 1949.

(4) "Low- and moderate-income housing" means any project eligible for an insured mortgage under Section 221 of the National Housing Act, or for a loan under Section 202 of the Housing Act of 1959 or Section 515 of the Housing Act of 1949.

**AMENDMENT OF FOOD AND AGRICULTURE ACT OF 1965**

Mr. COOPER. Mr. President, I introduce, for appropriate reference, an amendment to the Food and Agriculture Act of 1965. Under title VI of that act subtitled "Cropland Adjustment," the Secretary of Agriculture is authorized to enter into agreements with individual farmers to divert part of their acreage from crop production. This fallow land placed under conservation practices has the beneficial effect of controlling surplus production of crops eligible for price support. Section 602(a) provides, in part, as follows:

No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as the result of the death of the previous owner, or unless the new ownership was acquired prior to January 1, 1965, or under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program:

I was a member of the Senate Committee on Agriculture at the time this provision was adopted, and recall that it was proposed following some criticism of the program, citing cases in which it appeared that individuals had bought farms and immediately placed them into the conservation reserve, giving the impression that the purchase of the farms was financed through the Government cropland adjustment payments. It was the intention of the provision to prevent such occurrences in the future.

However, the provision as it stands does not take into account occasions where farmowners are displaced and



must relocate, when land is taken by an agency having the right of eminent domain. In these cases, the Congress has made provision for the transfer of acreage allotments, and I know it is the intention of the Congress that displaced owners be permitted to reestablish their farm operations on a new farm.

I am informed that cases of this kind have arisen in Kentucky in the course of acquisition by the TVA of the Between-the-Lakes Recreation Area. And Congressman STUBBLEFIELD, who is a member of the House Agriculture Committee, has introduced a similar bill in the House of Representatives.

It seems to me only proper in cases where farms or portions thereof are acquired by agencies having the right of eminent domain, that the displaced owner be permitted to continue to participate in the cropland adjustment program when he acquires a new farm. My amendment would accomplish this, and I hope it is given favorable consideration by the committee, and adopted.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2126) to amend the Food and Agriculture Act of 1965, introduced by Mr. COOPER, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

#### ASSISTANCE TO CERTAIN PROCESSORS OF COTTON

Mr. BAKER. Mr. President, I introduce, for appropriate reference, a bill to provide assistance to first processors of cotton who have suffered substantial losses because of the economic impact of cotton programs, and for other purposes.

Mr. President, the cotton ginning industry is facing the prospect of a very bleak year. Unusually heavy rainfall in many areas where cotton is grown has turned normally productive fields into quagmires.

But there are other and less capricious reasons for the relatively small crop expected this year. The acreage planted to cotton is the lowest in this century. The July 1 cotton acreage report from the U.S. Department of Agriculture indicates that 9,724,000 acres were planted in cotton this year. This figure is 6 percent less than the acreage planted in cotton in 1966 and is 37 percent below the average acreage planted in cotton between 1961 and 1965.

Because of the heavy rains, when the final estimate of acreage to be harvested is announced next month it is expected that the already record low cotton acreage will be reduced even further.

The present cotton program is, of course, designed to reduce the surplus, and for this reason many acres are diverted from production. Apart from the obvious impact of this diversion program on cotton growers, the reduced yield has a profound effect on first processors, or cotton ginners.

A cotton gin plays a unique role in the lives of many rural Americans. It represents, of course, a substantial capital investment on the part of its ownership, and, as such, its survival depends on ade-

quate ginning receipts. But a cotton gin is often much more than just a ginning operation. In a great many small southern towns it forms the focal point of all life. With its fortunes rise or fall the fortunes and the quality of many lives. When a gin closes down, the farmers it serves must transport their cotton greater distances at greater expense, often to encounter inflexible and unfamiliar credit procedures and operational techniques.

The present situation is creating hardships for ginners and farmers alike; unless extraordinary action is taken, this year's crop could portend serious problems for the entire industry. The very serious financial plight of some cotton ginners caused by a series of small crops has closed many of the normal avenues of commercial credit.

For these reasons, Mr. President, I introduce this bill, which would provide for low-interest emergency loans to cotton ginners who are unable to obtain sufficient credit elsewhere at reasonable rates and terms. Determination of need would be left to the discretion of the Secretary of Agriculture.

A virtually identical bill has been introduced in the House of Representatives by ROBERT A. EVERETT, of Tennessee, and I am pleased to introduce a companion measure in the Senate and join with Congressman EVERETT's efforts to secure this much-needed relief.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2127) to provide assistance to first processors of cotton who have suffered substantial losses because of the economic impact of cotton programs of the Department of Agriculture, and for other purposes, introduced by Mr. BAKER, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

#### REPEAL OF EQUAL-TIME PROVISIONS

Mr. HARTKE. Mr. President, I am introducing today a very simple bill, one which reads in its entirety as follows:

That section 315 of the Communications Act of 1934 (47 U.S.C. 315) is repealed.

Mr. President, a law that has to be changed often or suspended periodically is an unjust and unworkable law. That this section does not do the job for which it was intended has long been recognized by the Congress. The operation of section 315, at best, is predicated on the mistaken notion that a Government agency is better able to judge news and public affairs, is better able to judge and insure fairness, than anyone else. It is for these reasons that I propose its repeal.

The provisions of section 315, enacted in the Communications Act of 1934, go back to the Radio Act of 1927, in which section 18 provided that if a radio station licensee permits a candidate for public office to use a broadcasting station, he was required to afford equal opportunities to all other candidates for that office. The intent of the legislation, as FCC Commissioner Frederick W. Ford

stated in a 1963 House hearing, was, and I quote, "to put it beyond the power of a licensee to determine which legally qualified candidate for a particular office should be heard on radio, once the station had permitted one candidate for that same office to use its facilities."

It was out of a 1949 policy statement of the FCC, in Docket No. 8516, that the so-called fairness doctrine grew. At its heart, and based on the 1934 Act in which section 315 was very nearly identical to the earlier Radio Act, was the statement that "broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views."

In order to do so, said the Commission, the licensee must play "a conscious and positive role in bringing about balanced presentation of the opposing viewpoints." The conclusion in the case was that broadcast stations might editorialize, but that in doing so they must assure fairness in their presentations.

We have since then, succeeded in exempting news broadcasts, discussions, and news documentaries from the equal time provisions. They are, of course, covered now under the fairness doctrine. Again, in 1960, the equal time provisions of section 315 were exempted by congressional amendment specifically for the period of the 1960 presidential and vice-presidential campaigns. These revisions resulted directly from bills I introduced to ease restrictions on campaign coverage by radio and TV.

Mr. President, the only real criterion for licensing of broadcast stations is their operation in the public interest. There is a limited spectrum of airwaves, and governmental control over licensing in the only way in which they can be allocated with any equity. This established system deals with the right to broadcast, not with the right to tell broadcasters what should be the content of their broadcasting. Where we move into that area of Government regulation of content, we approach the question of censorship.

We have historically upheld the freedom of the press, and the difference between newspaper journalism and electronic journalism is essentially only in the format and the mechanics, not in the basic concepts. Radio and television have come of age, and the journalism of radio and television is as responsible as that of the press. It should be no more hampered by the welter of rules and regulations surrounding the FCC interpretations of section 315 than should the journalism of print.

Mr. President, the way to clarify the situation which we will again face in election time, the confusion which has been recurrent in the effort to apply the provisions of section 315, is to repeal that section and to place the responsibility for electronic freedom on a par with that of freedom of the press. We can trust the responsibility of broadcasters to maintain the standards expected of them in the public interest, but if there is a serious abuse, we have a remedy—the power of the Federal Communications Commis-







SENATE

*August 2, 1967*

16. **FOOD.** Passed as reported S. 2138, authorizing the Secretary of Agriculture and the Surgeon General to provide food and medical services on an emergency basis. This bill had been reported Aug. 1 during adjournment (S. Rept. 467). pp. S10543, S10548-8
17. **APPROPRIATIONS.** Passed, 80-4, with amendments H. R. 10196, the Labor and Health, Education, and Welfare appropriation bill. This bill had been reported Aug. 1 during adjournment (S. Rept. 469). Conferees were appointed. pp. S10651-10715  
Agreed to the conference report on S. 1296, providing authorizations for the National Aeronautics and Space Administration. pp. S10578-80  
A Subcommittee of the Appropriations Committee approved for full committee consideration with amendments H. R. 10738, the defense appropriation bill. p. D670
18. **FOREIGN AID.** Sen. Ellender inserted an article by Secretary Freeman, "Malthus, Marx, and the North American Breadbasket," in which he discusses "food production and its effect upon international relations." pp. S10582-5
19. **RECLAMATION.** Passed as reported S. 1251, to make certain reclamation project expenses nonreimbursable. pp. S10538-9  
Passed as reported S. 862, forbidding Federal participation in irrigation projects under the Small Reclamation Projects Act until 30 days after a project has been submitted to Congress. This bill had been reported on Aug. 1 during adjournment (S. Rept. 468). pp. S10543-5  
Began consideration of S. 1004, authorizing construction and operation of the Central Arizona project. Sen. Jackson inserted certain financial data relating to this bill. pp. S10620-1, S10720-2
20. **INDIAN LANDS.** Passed as reported S. 285, to allow long-term leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, farming or grazing purposes. pp. S10542-3
21. **HOUSING.** Sen. Kennedy, N. Y., commended and inserted testimony by Sen. Mondale before the Housing Subcommittee, S. Banking and Currency Committee, on proposed legislation to provide moderate-income families with opportunity to purchase housing and to establish a revolving Federal fund to aid nonprofit sponsors in the effort to meet the housing needs of the urban poor. pp. S10591-3  
Sen. Scott inserted his testimony on his proposal to develop comprehensive planning in housing programs as well as other community goals. pp. S10622-3
22. **POVERTY.** Sen. Javits inserted several magazine articles presenting, debating, and analyzing the various programs carried on under the provisions of the Economic Opportunity Act. pp. S10624-8
23. **TAX SHARING.** Sen. Javits commended and inserted a statement to the Fiscal Policy Subcommittee, Jt. Economic Committee, by Dr. Walter Heller, former Chairman of the Council of Economic Advisers, entitled "Questions and Answers on Revenue Sharing." pp. S10632-5

24. AGRICULTURAL EXPORTS. Sen. Carlson inserted a statement by the National Farmers Union president discussing food needs, world trade, and export problems. pp. S10635-7
25. INTERGOVERNMENT RELATIONS. Sen. Mundt inserted a speech by Sen. Baker on "The Future of Federalism," in which he stated that he strongly favors a program of no-strings-attached federal revenue sharing as the centerpiece of a balanced program to strengthen federalism as state and local governments assume more responsibility. pp. S10637-8
26. COMMITTEE BUSINESS. The Agriculture and Forestry Committee ordered favorably reported (but did not actually report) without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances; and with amendment S. 109, prohibiting discrimination against a producer concerning his right to belong to an association of producers; S. 1657, authorizing indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues; and S. 1550, to amend the Consolidated Farmers Home Administration Act to provide for release of valueless liens. p. D670
27. POLLUTION. Received from HEW a report on automotive air pollution, and from the Interior Department a report on manpower and training needs in water pollution control; to Public Works Committee. p. S10549  
Sen. Cooper inserted an editorial commenting on the air pollution control bill which the Senate passed recently, "A Business Responsibility." pp. S10608-9
28. FAIR HOUSING. Sen. Sparkman announced hearings to begin Aug. 21 on S. 1358, the proposed Fair Housing Act of 1967, and S. 2114, to supplement the financing of homes where there is evidence of discriminatory lending practices. Sen. Mondale spoke in favor of these two bills. pp. S10576-7
29. COSPONSORS. Several Senators were added as cosponsors to various bills; Sens. Thurmond and Jordan, Idaho, to S. 2097, to double custom duty on articles imported from communist countries trading with North Vietnam, and S. 2098, to prohibit the export of articles to Communist countries trading with North Vietnam; and 12 Senators were added to S. 1796, to impose quotas on the importation of certain textile articles. Sen. Tower added his name as cosponsor to several bills and inserted a statement of his reasons for this action. pp. S10574-6

#### ITEMS IN APPENDIX

30. OPINION POLL. Rep. Gathings inserted the results of a questionnaire including items of interest to this Department. p. A3910
31. WATER. Rep. Wydler inserted his statement on the future water needs of his area made at the Army Corps of Engineers hearings on water supply problems. pp. A3913-14
32. MODEL CITIES. Extension of remarks by Rep. Moorhead expressing concern that the House "rejected" the model cities program and inserting an article on the subject. pp. A3917-18
33. FOOD STAMP. Rep. Fraser inserted a newspaper report praising the food stamp program. pp. A3922-3







# **DIGEST** of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
FOR INFORMATION ONLY;  
(NOT TO BE QUOTED OR CITED)

Issued August 4, 1967  
For actions of August 3, 1967  
90th-1st; No. 121

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**HIGHLIGHTS:** Senate committee reported bills to prohibit unfair trade practices affecting cooperatives, make newly acquired farms eligible for cropland adjustment program, and continue dairy indemnity payments. Sen. Mondale and Rep. Feighan introduced and discussed meat inspection bills. Sen. Sparkman introduced and discussed beef export bill.

### SENATE

1. **RECLAMATION.** Began debate on S. 1004, authorizing construction and operation of the Central Arizona project. pp. S10733, S10737, S10758-9, S10813-19, S10822-51
2. **BUDGET; TAXATION.** Both Houses received the President's message reviewing the budgetary situation and recommending a temporary 10% surtax on corporate and personal income, a speedup of corporate tax collections, and continuation of excise taxes for the immediate future (H. Doc. 152). To Senate Finance Committee and House Ways and Means Committee. Several House members discussed the

message. pp. S10810-13, H9881-7, H9945

3. COOPERATIVES; DAIRY PAYMENTS: CROPLAND ADJUSTMENT; FARM LOANS. The Agriculture and Forestry Committee reported ~~with amendment S. 109, to control unfair trade practices affecting producers of agricultural products and associations of such producers (S. Rept. 474), and S. 1657, to extend for one year the authority of this Department to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Government (S. Rept. 476); without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances (S. Rept. 475) and with amendments S. 1550, to provide for release of valueless liens under the Consolidated Farmers Home Administration Act (S. Rept. 487).~~ p. S10745
4. WINE; TAXATION. The Finance Committee reported with amendments H. R. 1282, to provide for withdrawal of wine from bonded wine cellars without payment of tax, when rendered unfit for beverage use (S. Rept. 489). p. S10745
5. LAND REFORM. Sen. Proxmire spoke in favor of land reform in South Vietnam. pp. S10735-7
6. ELECTRIFICATION. Received from the Federal Power Commission a report, "Prevention of Power Failures." p. S10744
7. VEHICLES. Both Houses received from the General Accounting Office a report on its review of policies and practices of selected civil agencies for rebuilding used motor vehicle tires. pp. S10744, H9970
8. FOREIGN AID. Sen. Javits submitted several amendments which he intends to propose to the foreign aid bill. pp. S10759-60  
Sen. Cooper inserted an article, "U. S. Assistance to Less-Developed Countries, 1956-65." pp. S10762-5
9. FOREIGN TRADE. S. Con. Res. 38, expressing the sense of Congress regarding the International Antidumping Code, was transferred from the Foreign Relations Committee to the Finance Committee. p. S10760
10. REDWOOD PARK. Sen. Metcalf said the Redwood National Park agreement has dangerous implications. pp. S10768-73
11. FORESTRY. Sen. Bartlett objected to suggestions that the ban on export of logs from Alaska be lifted in order to alleviate the shortage caused by exportation of logs to Japan from other areas. He said the Alaska logs are needed to encourage establishment of permanent industries in Alaska. p. S10778
12. FARM LABOR. Sen. Williams, N. J., recommended collective bargaining for farm workers. pp. S10787-9, S10790-2
13. LEGISLATIVE PROGRAM. Majority Leader Mansfield said he and Minority Leader Dirksen "wish to make a joint announcement to the effect that there will be a recess, on the part of the Senate, from the conclusion of business on Friday, September 1, up to and including Sunday, September 10." p. S10814



CROPLAND ADJUSTMENT PROGRAM—ELIGIBILITY OF  
FARM ACQUIRED TO REPLACE FARM TRANSFERRED TO  
AGENCY HAVING RIGHT OF EMINENT DOMAIN

AUGUST 3, 1967.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry,  
submitted the following

REPORT

[To accompany S. 2126]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2126) to amend the Food and Agriculture Act of 1965, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

This bill would make a farm acquired to replace one transferred to an agency having the right of eminent domain eligible for the cropland adjustment program, even though it had been acquired during the previous 3 years.

A letter from the Secretary of Agriculture recommending enactment of this bill and explaining it further is attached:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., July 28, 1967.

HON. ALLEN J. ELLENDER,  
Chairman, Committee on Agriculture and Forestry,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of March 16, 1967, for a report on S. 2126, a bill "To amend the Food and Agriculture Act of 1965."

This Department recommends that the bill be passed.

Section 602(a) of the Food and Agriculture Act of 1965 now provides, with certain exceptions, that a cropland adjustment program agreement shall not be entered into on land of which the ownership



has changed during the 3-year period preceding the first year of the agreement. S. 2126, if enacted, would permit placing in the program without regard for the term of past ownership a farm acquired by an otherwise eligible producer to replace one from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.

The enactment of S. 2126 would have the effect of making a few additional farms eligible to participate in the program. This could slightly increase the total fund requirements of the cropland adjustment program, except that when all producers' requests to participate exceed the amount of the authorized program, there would be no increased total cost.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

#### FOOD AND AGRICULTURE ACT OF 1965

\* \* \* \* \*

SEC. 602. (a) Notwithstanding any other provision of law, for the purpose of reducing the costs of farm programs, assisting farmers in turning their land to nonagricultural uses, promoting the development and conservation of the Nation's soil, water, forest, wildlife, and recreational resources, establishing, protecting, and conserving open spaces and natural beauty, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1965 through 1969 under which agreements would be entered into with producers as hereinafter provided for periods of not less than five nor more than ten years. No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to January 1, 1965, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program: *Provided*, That this provision shall not be construed to prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this section: *Provided further*, That the Secretary shall not require a person who has operated the land to be covered by an agreement under this section for as long as three years preceding the date of the agreement and who controls the land for the agreement period to own the land as a condition of eligibility for entering into the agreement. *The*

*foregoing provision shall not prevent a producer from placing an eligible farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.*





Calendar No. 460

90TH CONGRESS  
1ST SESSION

# S. 2126

[Report No. 475]

---

## IN THE SENATE OF THE UNITED STATES

JULY 17, 1967

Mr. COOPER introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

AUGUST 3, 1967

Reported by Mr. HOLLAND, without amendment

---

## A BILL

To amend the Food and Agriculture Act of 1965.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 602 (a) of the Food and Agriculture Act of  
4       1965 is amended by adding at the end thereof the following  
5       new sentence: "The foregoing provision shall not prevent a  
6       producer from placing an eligible farm in the program if the  
7       farm was acquired by the producer to replace a farm from  
8       which he was displaced because of its acquisition by any  
9       Federal, State, or other agency having the right of eminent  
10      domain."

90TH CONGRESS  
1ST SESSION

**S. 2126**

[Report No. 475]

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**A BILL**

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To amend the Food and Agriculture Act of  
1965.

---

By Mr. COOPER

---

JULY 17, 1967

Read twice and referred to the Committee on  
Agriculture and Forestry

AUGUST 3, 1967

Reported without amendment







# **DIGEST** of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(FOR INFORMATION ONLY;  
NOT TO BE QUOTED OR CITED)

Issued August 7, 1967  
For actions of August 4, 1967  
90th-1st; No. 122

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**HIGHLIGHTS:** Senate passed bills to prohibit unfair trade practices affecting co-operatives, make newly acquired farms eligible for cropland adjustment program, and continue dairy indemnity payments. House subcommittee approved meat inspection bill. Senate committee reported wild rivers bill. Sen. McCarthy introduced and discussed food reserve bill. Sen. Proxmire introduced and discussed bill to provide mortgage insurance for recreational development.

### HOUSE

- 1. MEAT INSPECTION.** A subcommittee of the Agriculture Committee approved for full committee action H. R. 6168, amended, to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs. The "Daily Digest" states that a clean bill will be introduced. p. D683

2. COOPERATIVES; CROPLAND ADJUSTMENT; DAIRY INDUSTRY. Passed as reported S. 109, ~~to control unfair trade practices affecting producers of agricultural products and associations of such producers (pp. S10865-7);~~ without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances (pp. S10867); and as reported S. 1677, to extend for one year the indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues (pp. S10867-8).
3. WILD RIVERS. The Interior and Insular Affairs Committee reported, on Aug. 4, during adjournment, with amendments S. 119, to reserve certain public lands for a National Wild Rivers System, and to provide a procedure for adding additional public lands and other lands to the system (S. Rept. 491). p. S10874
4. FARM LOANS. Passed as reported S. 1550, to amend the Consolidated Farmers Home Administration Act to provide for release of valueless liens. p. S10872
5. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 10738, the defense appropriation bill (S. Rept. 494). p. S10874
6. PERSONNEL. Passed as reported H. R. 5876, to amend the U. S. Code relative to codifying, repealing, and amending numerous personnel laws. pp. S10869-70  
Sen. Williams, N. J., commended and inserted an address by Sen. Mondale, "Retirement and the Individual." pp. S10907-9
7. TAXATION; ECONOMY. Sen. Proxmire disagreed with the President's tax proposal and stated "there is no economic case for a tax increase now." pp. S10899-900  
Sen. Hartke criticized the President's tax proposal as being "unwarranted and unjustified at this time." pp. S10950-2
8. POVERTY. Sens. Yarborough and Harris inserted articles which state that Dr. Billy Graham supports the poverty program. pp. S10902-3  
Sen. Harris inserted an article describing the "success" of the poverty program. pp. S10906-7  
Sen. Hickenlooper inserted an article, "Poverty Warriors: The Riots Are Subsidized as Well as Organized." pp. S10933-4
9. RECLAMATION. Continued debate on S. 1004, to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico. pp. S10916-32, S10934-44
10. COSPONSORS. Cosponsors were added to S. 2116, to establish a commission to study the organization of the executive branch; S. 1726, to amend the Antidumping Act; and S. 1796, to impose quotas on the importation of certain textile articles. p. S10882
11. RECREATION. Sen. Moss spoke in support of his bills to establish the Canyonlands National Park and to authorize a survey of roads and tourist accommodations to expand the recreational resources of the golden circle and the four corners areas and inserted a supporting article. pp. S10884-6



producers and handlers or to compel dealings between handlers and associations.

Section 6 provides for enforcement through injunction on the application of the aggrieved party or the Secretary of Agriculture, or through actions for compensatory damages.

Section 7 provides for separability in case of any provision is held invalid.

Because of the increasing concentration of the marketing and distribution of agricultural products in the hands of fewer buyers, most farmers feel very strongly that they should have the right to organize and compete without fear of reprisal or of unfair trade practices. They believe that the wider use of contract marketing has created a greater need for the strengthening of their own bargaining position in order to secure prices and other benefits which they feel, and rightly so, they are entitled to. The bill provides farmers with an opportunity to improve their own lot through their own action.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 474), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### SHORT EXPLANATION

This bill is designed to protect the agricultural producer's right to decide, free from improper pressures, whether or not he wishes to belong to a marketing or bargaining association. It consists of seven sections providing as follows:

Section 1. Short title "Agricultural Fair Practices Act."

Section 2. Legislative findings and declaration of policy.

Section 3. Definitions of "handler," "producer," "association of producers," "person" and "agricultural products" (the last definition excluding cotton and tobacco from the bill).

Section 4. Prohibition of coercion, discrimination, intimidation, bribery, falsehood, and conspiracy designed to influence a producer's election as to joining a cooperative or otherwise marketing his produce.

Section 5. Disclaimer of any intent to prohibit proper dealings between producers and handlers or to compel dealings between handlers and associations.

Section 6. Enforcement through injunction on the application of the aggrieved party or the Secretary of Agriculture, or through actions for compensatory damages.

Section 7. Separability in case of any provision is held invalid.

#### COMMITTEE CONSIDERATION

A similar bill by the same number, S. 109, was introduced in the 89th Congress on January 6, 1965. Hearings were held by the Subcommittee on Agricultural Research and General Legislation on June 14, 15, and 16,

1966. Subsequent to those hearings and as a result of the suggestions received at them an amendment in the nature of a substitute was developed and submitted to the committee for its consideration. The Subcommittee on Agricultural Research and General Legislation conducted hearings on the substitute on September 28, 1966. Witnesses representing the Department of Agriculture recommended three amendments at the hearing; and those amendments were incorporated in the substitute and introduced as S. 109 in the 90th Congress. The Subcommittee on Agricultural Research and General Legislation conducted hearings on the current bill on May 2, 4, and 11, 1967. All hearings have been printed.

Witnesses were in general agreement in favoring the objectives of the bill, but differed as to the mechanics and language by which those objectives could be achieved. Many proposals were advanced and all of them were carefully studied by the subcommittee and by the committee. The committee has recommended an amendment in the nature of a substitute, which it believes will accomplish the purpose of the bill more effectively than would the original text; makes it clear that normal and proper dealings not designed to restrict the producer's freedom of choice are not prohibited; and is fair to producers, associations of producers, handlers, and any others who may be affected by the bill.

The following section-by-section explanation of the committee amendment describes in further detail some of the matters considered by the committee in connection with the various sections of the bill.

#### AMENDMENT OF THE FOOD AND AGRICULTURE ACT OF 1965

The Senate proceeded to consider the bill (S. 2126) to amend the Food and Agriculture Act of 1965.

Mr. COOPER. Mr. President, the bill before the Senate, S. 2126, is a bill I introduced earlier this year. I am glad that its adoption has been recommended by the Senate Committee on Agriculture, and I appreciate the attention it has received from the distinguished chairman of the subcommittee [Mr. HOLLAND], from the chairman of the full committee [Mr. ELLENDER], and by the members of the committee, with whom I have served and who are friends of the farmers and understand their problems.

The bill is directed to farmowners who are displaced when their land is taken by an agency having the right of eminent domain. When a farm is taken for a reservoir, or road or other public purpose, the owner must move and acquire a farm in a new location if he is to continue farming. I know it has always been the intention of the Committees on Agriculture and, I am sure of the Congress, that these displaced farmowners be enabled to reestablish their farm operation without undue hardship. For example, we have provided that the farm allotments can be transferred in such cases.

The Tennessee Valley Authority is in the process of acquiring lands in Kentucky for the Between-the-Lakes Recreation Area. During the course of these acquisitions it appeared that a provision of the Food and Agriculture Act of 1965 failed to provide clear authority to the Secretary of Agriculture to enable displaced farmowners to participate in the cropland adjustment program on their new farms. The purpose of S. 2126 is to

provide this authority—that is, to make eligible for the cropland adjustment program land acquired by farmers who have had to move, without waiting for the 3-year period following acquisition otherwise required by the act of 1965.

Congressman FRANK A. STUBBLEFIELD of the First Congressional District of Kentucky, which includes the area Between-the-Lakes, introduced a similar bill in the House of Representatives, H.R. 2375, which was approved July 17 by the House Committee on Agriculture, on which he serves. I want to say that he discussed this problem with me, and acknowledge his initiative in helping to resolve the problem—which is important to the farm operations of those affected by the provision.

The bill has been approved by the Department of Agriculture, and I am glad to recommend its adoption by the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 475), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

This bill would make a farm acquired to replace one transferred to an agency having the right of eminent domain eligible for the cropland adjustment program, even though it had been acquired during the previous 3 years.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

#### S. 2126

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing an eligible farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

#### AMENDMENT OF THE ECONOMIC OPPORTUNITY ACT

The Senate proceeded to consider the bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been re-



instated and is again allowed to dispose of his milk on commercial markets.

Sec. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Sec. 3. The authority granted under this Act shall expire on June 30, 1968.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 476), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would extend to June 30, 1968, the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers whose milk is removed from commercial markets because it contained residues of chemicals approved by the Federal Government. The existing statutory authority expired June 30, 1967.

As introduced, the bill would have extended section 331 of the Economic Opportunity Act of 1964, which is the existing authority. However, the report of the Department of Agriculture raised a question as to vesting the funding responsibility in the Secretary of Agriculture; and to remove any such question the committee has recommended an amendment providing authority separate from the Opportunity Act. The committee amendment is in the nature of a substitute and the authority provided by it is identical to that provided through June 30, 1967, by section 331 of the Opportunity Act. There would of course be no duplication of payments for the same milk.

#### DAIRY INDEMNITY PAYMENTS FOR TEXAS FARMERS

Mr. YARBOROUGH subsequently said: Mr. President, I am very pleased at the Senate action today in extending the program for dairy indemnity payments for another year.

This bill will provide compensatory payments to dairy farmers whose milk must be removed from the market because of residues of pesticides. The payments are allowed where the residues occurred through no fault of the farmer, but because of drift from neighboring fields or application to feed or in reliance on recommendations of the Agriculture Department in using the pesticides.

These payments have been of special importance in west Texas in recent months, where efforts to control an unusually high infestation of pink bollworm on cotton have produced unallowable residues in some dairy milk. Some \$250,000 of payments to El Paso area dairymen for fiscal year 1967 appears necessary. This program needs to be extended through 1968 pending an assurance that the difficulties experienced in west Texas can be corrected. The Senate's action in extending this program is very meritorious.

#### AMERICAN PETROFINA CO. OF TEXAS

The bill (S. 1678) for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris, was considered, ordered to be engrossed

for a third reading, read the third time, and passed, as follows:

S. 1678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in the administration of section 31 of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 188), the Secretary of the Interior is authorized and directed to receive, consider, and act upon any petition of American Petrofina Company of Texas, a Delaware corporation, and James W. Harris, filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease "Mississippi 030263" and United States oil and gas lease "Mississippi 030263 (A)", as if such petition had been filed within the time provided in such section and such section had been applicable thereto.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 477), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Interior to consider a petition of the American Petrofina Co. of Texas, a Delaware corporation, to reinstate two oil and gas leases if petition is filed within 180 days after the reenactment of the bill.

#### STATEMENT

The Department of the Interior in a report to the committee, dated July 17, 1967, recommends that the bill be enacted.

In its favorable report to the committee, the Department of the Interior sets forth the facts in the case and its recommendations as follows:

Your committee has requested this Department's report on S. 1678, a bill for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris.

We recommend that the bill be enacted.

The bill would authorize and direct the Secretary of the Interior to consider a petition of the American Petrofina Co. of Texas to reinstate two oil and gas leases if the petition is filed within 180 days after enactment of this bill.

The original lease (Mississippi 030263) was issued effective August 1, 1956, to the assignee of Phronia R. Garellick, namely, I. P. LaRue. The lands included in the lease are described as follows:

T. 4 N., R. 10 E., Choctaw Meridian  
Mississippi

Sec. 18: East 30 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,

Sec. 29: All,

Sec. 30: S $\frac{1}{2}$ ,

Sec. 31: 10 acres in SW corner of NW $\frac{1}{4}$  NW $\frac{1}{4}$ ,

Sec. 32: W $\frac{1}{2}$ , NE $\frac{1}{4}$ ,

Sec. 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The acreage is given in the lease as 1,002.35 acres, and rental payments of \$501.50 have been made based on this acreage.

The lease was extended to July 31, 1966, on July 12, 1961. The entire lease was again assigned with the approval of the Bureau of Land Management to the American Petrofina Co. of Texas, effective September 1, 1962. A partial assignment of the lease to James W. Harris (Mississippi 030263(a)) was made on July 1, 1966, covering 40.16 acres, and both leases were extended to June 30, 1968.

According to the official plat of survey, the true acreage originally included in the 1956 lease was 1,524.84 acres. Apparently, the area included in sections 32 and 26 was not included in the total lease acreage. The annual rental, therefore, was deficient and the lease actually terminated prior to October 15, 1962.

The discrepancy between the description of the lands included in the lease and the total acreage shown in the lease were not discovered by the Department, the lessee, or the assignees until recently.

There is now pending before the Committee on Interior and Insular Affairs of the Senate a bill (S. 1367) designed to enable the Secretary of the Interior to decide cases such as this one administratively where the lease terminated after October 15, 1962. We have considered the possibility of recommending that S. 1367 apply to leases terminated prior to that date, but we have come to the conclusion that the 1962 date should be continued in that bill. The chances of similar cases arising prior to that date are fairly remote because the 1962 act was designed to cover those cases. Where they do come to light, we believe that special legislation such as S. 1678 would be appropriate.

In considering a petition under this legislation, we will follow the applicable criteria set forth in the general bill.

The Bureau of the Budget has advised they have no objection to the presentation of this report from the standpoint of the administration's program.

The committee believes that the bill as recommended by the Department of the Interior is meritorious and recommends it favorably.

#### BILL PASSED OVER

The bill (S. 922) for the relief of Euphemia King Hartley, James Hartley, and James Holmes Hartley was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### ANTONIO MARTIN RUIZ DEL CASTILLO

The bill (S. 1709) for the relief of Antonio Martin Ruiz del Castillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purposes of the Immigration and Nationality Act, Doctor Antonio Martin Ruiz del Castillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 25, 1961.

Amend the title so as to read: "A bill for the relief of Doctor Antonio Martin Ruiz del Castillo."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 479), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The amendment is technical in nature.

The title was amended so as to read: "A bill for the relief of Dr. Antonio Martin Ruiz del Castillo."

#### MITSU BLOMSTROM

The Senate proceeded to consider the bill (S. 975) for the relief of Mitsu Blom-







# S. 2126

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1967

Referred to the Committee on Agriculture

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## AN ACT

To amend the Food and Agriculture Act of 1965.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 602 (a) of the Food and Agriculture Act of  
4       1965 is amended by adding at the end thereof the following  
5       new sentence: "The foregoing provision shall not prevent a  
6       producer from placing an eligible farm in the program if the  
7       farm was acquired by the producer to replace a farm from  
8       which he was displaced because of its acquisition by any  
9       Federal, State, or other agency having the right of eminent  
10      domain."

Passed the Senate August 4, 1967.

Attest:

FRANCIS R. VALEO,

*Secretary.*

---

## AN ACT

To amend the Food and Agriculture Act of  
1965.

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August 7, 1967

Referred to the Committee on Agriculture







# DIGEST of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(FOR INFORMATION ONLY;  
NOT TO BE QUOTED OR CITED)

Issued November 14, 1967  
For actions of November 13, 1967  
90th-1st; No. 184

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HIGHLIGHTS: House committee reported cropland adjustment bill. House debated poverty bill.

### SENATE

1. MEAT INSPECTION. Sen. Montoya spoke in favor of his bill S. 2147, to modernize and further strengthen the Federal Meat Inspection Act, and urged that this bill be enacted instead of the House-passed bill. pp. S16312-3
2. APPROPRIATIONS. Began debate on H. R. 13606, the military construction appropriation bill. pp. S16351-7

3. AWARDS. Sens. Nelson and Mundt congratulated Dr. Donald A. Williams, Administrator of SCS, as a recipient of this year's Rockefeller Public Service award for Administration. pp. S16290, S16305
  4. FOREIGN TRADE. Sen. Pearson disagreed with an overall restriction on import quotas and inserted an article, "Lot to Lose." p. S16291
  5. POVERTY. Sen. Hart urged the continuation of the war on poverty and inserted an article on this subject. p. S16306
  6. AGRICULTURE YEARBOOK. Sen. Byrd, W. Va., inserted two articles from the 1967 Agriculture Yearbook which relate to recreation and 4-H projects in W. Va. pp. S16306-8
  7. SOCIAL SECURITY. Sen. Hartke outlined the actions of the Finance Committee on H. R. 12080, the social security bill. p. S16283
  8. FERTILIZER PLANT. Sen. Gruening inserted an article describing the construction of a large fertilizer plant in Alaska. pp. S16270-1
  9. FREEDOM OF INFORMATION. Sen. Griffin inserted the report of the 1967 Sigma Delta Chi Advancement of Freedom of Information Committee. pp. S16314-30
- HOUSE
10. CROPLAND ADJUSTMENT. The Agriculture Committee reported with amendment H. R. 2375, to amend the Food and Agriculture Act of 1965 to allow a producer to place a farm in the cropland adjustment program if the farm was acquired by the producer to replace a farm from which he was displaced because of Federal or State acquisition (H. Rept. 913). p. H15160
  11. AIR POLLUTION. Received the conference report on S. 780, the proposed Air Quality Act of 1967 (H. Rept. 916). pp. H15112-120
  12. POVERTY. Continued debate on S. 2388, the poverty bill (pp. H15065-111, H15125-6, H15128-31, H15137, H15142-3, H15145, H15153-6). Adopted, 136-130, an amendment by Rep. Gurney to provide an authorization for the period of only 1 year (pp. H15078-9). Rejected the following amendments: By Rep. Goodell, 149-159, to reduce total authorization to \$1.4 billion (pp. H15066-78). By Rep. Erlenborn, 116-164, to transfer the Job Corps to HEW and eventually phase it out (pp. H15082-93). By Rep. Gardner, 89-135, to permit State operation of Job Corps facilities through State vocational boards (pp. H15094-7). By Rep. Green, Oreg., 53-55, to end discrimination against women in the Job Corps program (pp. H15097-101). By Rep. Quie, 105-125, to put a limit on the Job Corps appropriation (pp. H15101-4).
  13. APPROPRIATIONS. Rep. Mahon inserted a "comparative summary of appropriation bill totals, 90th Congress, 1st Session, as of Nov. 13, 1967." pp. H15063-4
  14. NATIONAL GRANGE. Rep. Dole paid tribute to the National Grange in celebration of its centennial anniversary. p. H15065
  15. FARM PRICES. Rep. Findley stated that the income of Illinois farmers "is being hit disastrously two ways as the result of unwise Government policy," and criticized the corn and wheat programs. pp. H15123-4

## ELIGIBILITY FOR PARTICIPATION IN THE CROPLAND ADJUSTMENT PROGRAM

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NOVEMBER 13, 1967.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

---

Mr. POAGE, from the Committee on Agriculture, submitted the  
following

### REPORT

[To accompany H.R. 2375]

The Committee on Agriculture, to whom was referred the bill  
(H.R. 2375) to amend the Food and Agriculture Act of 1965, having  
considered the same, report favorably thereon with an amendment  
and recommend that the bill do pass.

The amendment is as follows:

Page 1, line 7, strike out the word "a" and insert in lieu thereof the  
words "an eligible".

#### PURPOSE

H.R. 2375 would permit a farm to be placed in the cropland adjust-  
ment program without regard to the length of past ownership if that  
farm was acquired in replacement of an eligible farm which was taken  
by any Federal, State, or other agency by means of eminent domain  
proceedings.

#### NEED FOR THE LEGISLATION

The cropland adjustment program was authorized by the Food and  
Agriculture Act of 1965. The program provides for 5- to 10-year  
contracts between the Secretary of Agriculture and farmers for the  
purpose of retiring cropland from production, promoting conservation  
of natural resources, and assisting in converting farmland to non-  
agricultural uses.

With two exceptions, no contract may be entered into with regard  
to land the ownership of which has changed within the 3-year period  
prior to the first year of the agreement. The exceptions are: (1) if new  
ownership was acquired by will or succession as a result of death of  
the previous owner; or (2) if the new ownership was acquired prior to



January 1, 1965, under circumstances which the Secretary determines will give adequate assurance that the land was not acquired for the purpose of placing it in the program.

This bill would add a third exception.

In many rural areas of our country, eminent domain proceedings have necessitated the relocation of farms. The committee feels that an owner, who had to acquire another farm to replace one which was acquired by eminent domain authority, should be permitted to place the new farm into the cropland adjustment program, provided the original farm was otherwise eligible to be put into the program.

#### COMMITTEE ACTION

The committee held public hearings on H.R. 2375 on July 12, 1967.

The committee amendment is designed to make it perfectly clear that no newly acquired farm could be put into the program unless the original farm were eligible to participate in the cropland adjustment program.

#### COST

Due to the fact that applications for participation in the cropland adjustment program have far exceeded available funds for the operation of the program, the committee does not contemplate that this legislation will result in any increased expenditures on the part of the Federal Government.

#### DEPARTMENTAL POSITION

Following is the report of the Department of Agriculture recommending enactment of H.R. 2375:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., May 24, 1967.

HON. W. R. POAGE,  
*Chairman, Committee on Agriculture,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of March 16, 1967, for a report on H.R. 2375, a bill to amend the Food and Agriculture Act of 1965.

This Department recommends that the bill be passed.

Section 602(a) of the Food and Agriculture Act of 1965 now provides, with certain exceptions, that a cropland adjustment program agreement shall not be entered into on land of which the ownership has changed during the 3-year period preceding the first year of the agreement. H.R. 2375, if enacted, would permit placing in the program without regard for the term of past ownership a farm acquired by an otherwise eligible producer to replace one from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. This would be in line with provisions of other programs involving such cases.

The enactment of H.R. 2375 would have the effect of making a few additional farms eligible to participate in the program. This could slightly increase the total fund requirements of the cropland adjustment program, except that when all producers' requests to



participate exceed the amount of the authorized program, there would be no increased total cost.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

#### FOOD AND AGRICULTURE ACT OF 1965

\* \* \* \* \*

SEC. 602. (a) Notwithstanding any other provision of law, for the purpose of reducing the costs of farm programs, assisting farmers in turning their land to nonagricultural uses, promoting the development and conservation of the Nation's soil, water, forest, wildlife, and recreational resources, establishing, protecting, and conserving open spaces and natural beauty, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1965 through 1969 under which agreements would be entered into with producers as hereinafter provided for periods of not less than five nor more than ten years. No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to January 1, 1965, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program: *Provided*, That this provision shall not be construed to prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this section: *Provided further*, That the Secretary shall not require a person who has operated the land to be covered by an agreement under this section for as long as three years preceding the date of the agreement and who controls the land for the agreement period to own the land as a condition of eligibility for entering into the agreement. *The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.*



90TH CONGRESS  
1ST SESSION

# H. R. 2375

[Report No. 913]

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1967

Mr. STUBBLEFIELD introduced the following bill; which was referred to the Committee on Agriculture

NOVEMBER 13, 1967

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

---

## A BILL

To amend the Food and Agriculture Act of 1965.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*  
3      That section 602 (a) of the Food and Agriculture Act of  
4      1965 is amended by adding at the end thereof the following  
5      new sentence: "The foregoing provision shall not prevent a  
6      producer from placing a farm in the program if the farm  
7      was acquired by the producer to replace ~~a~~ *an eligible* farm  
8      from which he was displaced because of its acquisition by  
9      any Federal, State, or other agency having the right of  
10     eminent domain."

90<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 2375

[Report No. 913]

A BILL

To amend the Food and Agriculture Act of  
1965.

By Mr. STUBBLEFIELD

JANUARY 16, 1967

Referred to the Committee on Agriculture

NOVEMBER 13, 1967

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







# **DIGEST** of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
FOR INFORMATION ONLY;  
NOT TO BE QUOTED OR CITED)

Issued November 21, 1967  
For actions of November 20, 1967  
90th-1st; No. 189

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**HIGHLIGHTS:** House passed bill to make newly acquired farms eligible for cropland adjustment program. Senate passed farm loan interest rate bill. Senate passed bill to facilitate exchange of forest lands for schools. Senate committee ordered reported bill to provide extension service for D. C.

### SENATE

- FARM LOANS.** Passed as reported S. 2565, to amend the Federal Farm Loan Act and the Farm Credit Act of 1933 with respect to interest rates on farm loans (pp. S16751-3). This bill would: (1) Substitute a ceiling fixed by the respective bank directors with the approval of the Farm Credit Administration for the 6-percent-interest ceiling now prescribed by law for loans made by the Federal land banks and the banks for cooperatives, and (2) Remove a question concerning the authority of the production credit associations to charge interest rates in excess of those permitted by State laws.

2. FOREST LANDS. Passed without amendment H. R. 10442, to facilitate exchanges of forest lands for use for public schools. This bill will now be sent to the President. p. S16753
3. SOCIAL SECURITY. Continued debate on H. R. 12080, the social security bill (pp. S16790-167823). Adopted, 54-23, the Williams, Del., amendment to remove the ceiling on interest paid on series E Government savings bonds (pp. S16804-7)
4. EXTENSION SERVICE. The D. C. Committee ordered reported (but did not actually report) S. 1999, to provide extension service for D. C. p. D1053
5. ECONOMY. Several Sens. recommended the reexamination of the U. S. economy and balance of payments in light of devaluation of the British pound. pp. S16753-4
6. ECONOMY; TAXATION. Several Sens. discussed the merits of the proposed tax increase. pp. S16757-63
7. POVERTY. Sen. Gruening urged that the Senate position on S. 2388, the poverty bill, be "preserved to the maximum extent possible" in the conference committee pp. S16769-70
8. ATTORNEYS' FEES. The Judiciary Committee reported without amendment S. 1073, to remove arbitrary limitations upon attorneys' fees for services rendered in proceedings before U. S. administrative agencies (S. Rept. 795). p. S16763
9. ADJOURNMENT. Agreed to a resolution to provide for adjournment from close of business Wed., Nov. 22, until Mon., Nov. 27. p. S16808

HOUSE

10. MILITARY CONSTRUCTION. Received the conference report on H. R. 13606, the military construction appropriation bill (H. Rept. 975). This bill includes provision for payment on the debt to CCC for foreign currencies used in prior years by the Defense Dept. for foreign military housing. pp. H15563-4
11. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee reported with amendment S. 1003, to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics (H. Rept. 972). p. H15670
12. OIL AND GAS LEASES. Passed with an amendment to substitute the language of H.R. 7940, (a similar bill) S. 1367, to soften, in certain circumstances, some of the rigors of present law providing for automatic termination of a Federal oil and gas lease if the lessee fails to make timely payment of the full rental due under the lease and thus to obviate the need for congressional examination of numerous bills to relieve individual lessees from the consequences of failure to make such payment. H. R. 7940, passed earlier as reported, was tabled. pp. H15567-8
13. CROPLAND ADJUSTMENT. Passed with an amendment to substitute the language of H. R. 2375 (a similar bill) S. 2126, to permit a farm to be placed in the cropland adjustment program without regard to the length of past ownership if that farm was acquired in replacement of an eligible farm which was taken by any Federal, State, or other agency by means of eminent domain proceedings. H. R. 2375, passed earlier as reported, was tabled. p. H15568



city of Pharr, Tex., to enter into an agreement. However, the report states:

Since Congress would be granting its consent to the conclusion of an agreement before the terms of the agreement are known, it is believed that the terms of such an agreement should be submitted to the Department of State for approval.

Therefore, Mr. Speaker, I withdraw my reservation of objection, and I ask unanimous consent that the bill be passed over without prejudice.

Mr. SELDEN. Mr. Speaker, reserving the right to object, I would like to call to the attention of the gentleman that there has been a section included in the bill, an amendment which was requested by the State Department. It is section 2, which will cover the question raised by the gentleman from Washington.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Washington.

Mr. PELLY. The gentleman from Pennsylvania is absent today. I would like to have the bill passed over without prejudice until the gentleman from Pennsylvania can make a determination about that language.

Mr. SELDEN. Mr. Speaker, further reserving the right to object, I talked with the gentleman from Pennsylvania after he asked 2 weeks ago that the bill be passed over. He told me the reason he had made the request was due to the absence of the gentleman from Washington. He, himself, had no objection personally.

Mr. PELLY. Mr. Speaker, will the gentleman yield further?

Mr. SELDEN. I yield to the gentleman from Washington.

Mr. PELLY. I would like to discuss it with him.

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I would like to inform the gentleman from Washington that the gentleman from Pennsylvania informed me that he had no objection to this legislation, that he would not be present today, and in the presence of the gentleman from Missouri he made the statement that no objection need be made because of his absence, and that he had no objection.

Mr. PELLY. I thank the gentleman from Texas. If he would yield to me, I would like to point out that the gentleman has certainly been very conscientious in trying to satisfy the objectors. The only problem that I have, if the gentleman will yield further, is that I want to study the language of this report, which was placed in my hand only this weekend, and study it in relation to the language which is in the bill, which seeks to overcome this objection of the State Department.

So if the gentleman would not mind, I would like to have the bill passed over for another 2 weeks, and then I think we would probably be willing to have it passed on the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### INCREASE OF TIMBER SURVEY AUTHORIZATION

The Clerk called the bill (S. 1136) to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### NAMING THE FEDERAL OFFICE BUILDING, DETROIT, MICH., IN HONOR OF THE LATE PATRICK V. McNAMARA

The Clerk called the bill (S. 343) to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### TOBACCO ALLOTMENT LEASE AND TRANSFER

The Clerk called the bill (H.R. 13653) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SNYDER, Mr. ZION, and Mr. CARTER objected; and, under the rule, the bill was stricken from the Consent Calendar.

Mr. SNYDER. Mr. Speaker, I want to explain to the Members of the House that my opposition to this legislation is not out of any desire to be obstinate. I sincerely believe it would not be for the best interest of the burley tobacco producers. I believe it would increase production in an area where overproduction is already a problem.

The committee hearings on August 16 and 17, 1967, indicate that the President of the Kentucky Farm Bureau, Mr. Louis Ison, testified against the leasing of burley allotments as did Mr. S. J. Stokes, Jr., president of the Burley Farmers Advisory Council.

Mr. Speaker, the Kentucky Farm Bureau in its State convention less than 2 weeks ago affirmed its opposition by a resolution duly adopted.

Along this line, Mr. Speaker, I include a short editorial from the Louisville Courier-Journal of Sunday, November 12:

#### A QUESTIONABLE TOBACCO BILL

Two Kentucky Congressmen last week blocked temporarily a dubious tobacco bill

that would let tobacco growers lease and transfer their acreage allotments to other farmers. It is a measure favored by large tobacco growers and opposed by small growers. Representatives Tim Lee Carter and Gene Snyder, siding with the small growers, teamed up to halt immediate action on the bill in the House.

The bill, sponsored by two other Kentucky Congressmen, John Watts and Frank Stubblefield, would permit a grower to lease other farmers' tobacco allotments and consolidate as much as 10 acres for additional planting. The big growers are in a better position to lease the acreage, which would give them a cushion against further government-imposed acreage reductions.

It isn't a questionable bill just because the big growers are for it and the little ones are against it. It is dubious because it is a device to stimulate tobacco production. As Representative Snyder put it: "Our problem right now is over-production—not under-production. This would compound the problem."

He is right.

#### RELATING TO OIL AND GAS LEASES

The Clerk called the bill (H.R. 7940) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

There being no objection, the Clerk read the bill, as follows:

H.R. 7940

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188 (b)), is amended by changing the period at the end thereof to a colon and adding the following: "Provided, That if the rental payment due under a lease is paid timely but the amount of the payment is deficient and the deficiency is nominal, as determined by the Secretary in regulations to be issued by him, the Secretary shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice."*

SEC. —. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Where any lease has been terminated automatically by operation of law under this section for failure to pay rental timely or for failure to pay the full amount due and the deficiency is not nominal and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to lack of reasonable diligence, he may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. In the case of any lease terminated after October 15, 1962, but before the effective date of this sentence for failure to pay rental timely or for failure to pay the full amount due, such petition must be filed within one hundred and eighty days after this sentence becomes effective. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a rea-



reasonable period, as determined in accordance with regulations issued by him."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(b)), is amended by changing the period at the end thereof to a colon and adding the following: 'Providing, That if the rental payment due under a lease has been or is hereafter paid on or before the anniversary date but either (1) the amount of the payment is deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease or made in accordance with a bill which has been rendered by him and such figure or bill is found to be in error resulting in a deficiency, the Secretary shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice.'

"SEC. 2. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section, for failure to pay rental on or before the anniversary date or for failure to pay the full amount due and the deficiency is not nominal and payment was not made in accordance with the acreage figure stated in the lease or in accordance with a bill rendered by the Secretary and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to lack of reasonable diligence, he may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided*, That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HALEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 1367.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

S. 1367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(b)), is amended by changing the period at the end thereof to a colon and adding the following: "Provided, That if the rental payment due under a lease is paid on or before the anniversary date but either (1) the amount of the payment has been or is hereafter deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease or made in accordance with a bill which has been rendered by him and such figure or bill is found to be in error resulting in a deficiency, the Secretary shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice."

SEC. 2. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Whereas any lease has been or is hereafter terminated automatically by operation of law under this section, for failure to pay rental on or before the anniversary date or for failure to pay the full amount due and the deficiency is not nominal and payment was not made in accordance with the acreage figure stated in the lease or in accordance with a bill rendered by the Secretary and it is shown to the satisfaction of the Secretary of the Interior that such failure was the result of error or neglect on the part of the Department of the Interior, the Secretary may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion extend the term of such lease for such period as he deems reasonable: *Provided*, That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition."

AMENDMENT OFFERED BY MR. HALEY

Mr. HALEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALEY: Strike out all after the enacting clause of S. 1367 and insert the provisions of H.R. 7940, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7940) was laid on the table.

#### ELIGIBILITY FOR PARTICIPATION IN THE CROPLAND ADJUSTMENT PROGRAM

The Clerk called the bill (H.R. 2375) to amend the Food and Agriculture Act of 1965.

There being no objection, the Clerk read the bill, as follows:

H.R. 2375

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

With the following committee amendment:

On page 1, line 7, strike out the word "a" and insert in lieu thereof the words "an eligible".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2126) to amend the Food and Agriculture Act of 1965.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Clerk read the Senate bill, as follows:

S. 2126

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing an eligible farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

AMENDMENT OFFERED BY MR. STUBBLEFIELD

Mr. STUBBLEFIELD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUBBLEFIELD: Strike all after the enacting clause in S. 2126 and insert in lieu thereof the provisions of H.R. 2375, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2375) was laid on the table.







# **DIGEST** of Congressional Proceedings

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C. 20250  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(FOR INFORMATION ONLY;  
NOT TO BE QUOTED OR CITED)

Issued December 8, 1967  
For actions of December 7, 1967  
90th-1st; No. 200

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Farm income.....22	Pay increase.....13	Wheat allotments.....15
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**HIGHLIGHTS:** House received conference reports on continuing appropriation resolution, poverty bill, and pay increase bill. Senate passed foreign aid appropriation bill. Conferees agreed to report San Rafael Wilderness bill. Sen. Monroney and Reps. Purcell and Kleppe introduced, and Sen. Monroney and Rep. Kleppe discussed, commodity reserve bills.

### SENATE

1. **FOREIGN AID APPROPRIATIONS.** Passed, 56-22, with amendments H. R. 13893, the foreign aid appropriation bill. Senate conferees were appointed. pp. S18115-31
2. **EDUCATION.** Continued debate on H. R. 7819, the elementary and secondary education bill. pp. S18059, S18062-3, S18065-73, S18095-105, S18143-4, S18146-59

3. CROPLAND ADJUSTMENT. Concurred in the House amendment to S. 2126, to permit a producer to place a farm in the cropland adjustment program if it was acquired to replace an eligible farm from which he was displaced by any agency having the right of eminent domain. This bill will now be sent to the President. p. S18063
4. CROP INSURANCE. Sen. Carlson commended the payments to wheat producers under the crop insurance program. p. S18050
5. ECONOMIC SITUATION. Sen. Proxmire criticized the "inflationary policies" of the Federal Reserve Board, recommended against a tax increase, said the President's recent speech on wage-price restraint may be very significant, etc. pp. S18050-4, S18141
6. FOREIGN TRADE. Sen. Young, Ohio, spoke against import quota legislation. p. S18054  
Sen. Symington inserted and discussed an article, "Germans Say Faith in Dollar Is Tied to Payments Balance." pp. S18057-9
7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 51, to authorize the Merlin division, Rogue River Basin project, Oreg. (S. Rept. 905). p. S18131
8. FARM LOANS; CROP INSURANCE. At Sen. Sparkman's request, Sen. McClellan was made a cosponsor of S. 2714, to authorize disaster loans to farmers, and S. 2717, to study the crop insurance program. p. S18134
9. DAIRY INDUSTRY. Sen. McGovern inserted the National Milk Producers Federation's proposed dairy program. pp. S18136-9
10. PERSONNEL. Concurred in the House amendments to S. 1785, to improve certain benefits for Foreign Service employees in high-risk situations. This bill will now be sent to the President. p. S18144

#### HOUSE

11. APPROPRIATIONS. Received the conference report on H. J. Res. 888, to continue appropriations for 1968 (H. Rept. 1011) (pp. H16458-60). The conferees reported that they were in technical disagreement on the Senate amendments. However, the House conferees stated that they would offer substitute amendments agreed upon by the conferees as follows: First, to continue until Dec. 20 appropriations for agencies whose regular appropriation bills have not yet been enacted. Second, to make general reductions in obligations and expenditures, as follows:  
The substitute to be offered would impose limitations on, and thus reduce, fiscal 1966 budgeted obligations by not less than \$9,000,000,000 which in turn would result in reducing fiscal 1968 budgeted expenditures by not less than \$4,000,000,000.  
These amounts are inclusive of the effect of Congressional actions to date in the 13 appropriation bills that have been enacted--actions that have resulted in reductions in appropriation requests of about \$4.6 billion with a consequent fiscal 1968 expenditure reduction effect of about \$1.5 billion; it now looks like the total appropriation bill actions, including the two bills still pending, may come close to \$6,000,000,000 in appropriation reductions and close to \$2,000,000,000 in fiscal 1968 expenditure reductions.



plan for a year ahead. I shall give the Senator all the facts later today as to why we adopted the Prouty amendment in its present form, but I want to say that it does not mean we shall insist it stay in that form in the bill. I think that we can very well work out some language which will meet the needs of the school boards and which will also remove the objection of the Senator from Virginia. I share the basic principle of his objection.

Mr. BYRD of Virginia. I thank the Senator from Oregon. I should like to be helpful to the school boards, but I am more concerned about protecting what I consider to be a vital principle of government; namely, that only Congress can appropriate or spend the taxpayers' money.

I thank the Senator from Oregon.

#### ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR DODD TOMORROW

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that at the conclusion of the prayer and the reading of the Journal on tomorrow, the distinguished Senator from Connecticut [Mr. Dodd] be recognized for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 376 Leg.]

Aiken	Griffin	Miller
Boggs	Hill	Monroney
Byrd, Va.	Hruska	Montoya
Byrd, W. Va.	Kuchel	Morse
Carlson	Lausche	Nelson
Case	Long, Mo.	Pell
Clark	Mansfield	Randolph
Cotton	McGee	Sparkman
Ervin	McGovern	Thurmond
Fong	Metcalf	Yarborough

Mr. BYRD of Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Georgia [Mr. RUSSELL], the Senator from Maryland [Mr. BREWSTER], and the Senator from Idaho [Mr. CHURCH] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT]

and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Kansas [Mr. PEARSON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from New York [Mr. JAVITS], is absent to attend the funeral of Francis Cardinal Spellman.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson	Hansen	Mundt
Baker	Harris	Murphy
Bartlett	Hart	Muskie
Bayh	Hartke	Pastore
Bennett	Hatfield	Percy
Bible	Hayden	Proxmire
Brooke	Hickenlooper	Smathers
Burdick	Holland	Smith
Cannon	Jackson	Spong
Cooper	Jordan, N.C.	Stennis
Curtis	Kennedy, Mass.	Symington
Dirksen	Long, La.	Talmadge
Dodd	McCarthy	Tower
Dominick	McClellan	Williams, N.J.
Eastland	McIntyre	Williams, Del.
Fannin	Mondale	Young, N. Dak.
Gruening	Morton	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

#### AMENDMENT OF FOOD AND AGRICULTURE ACT OF 1965

Mr. HOLLAND. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2126.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2126 to amend the Food and Agriculture Act of 1965 which was, strike out all after the enacting clause and insert:

That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

Mr. HOLLAND. Mr. President, the amendment is purely a change of words from one line to another. It is a good change.

I move that the Senate now concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

#### ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by

extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 487

Mr. HARTKE. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD, is as follows:

On page 136, between lines 22 and 23, insert the following new section:

#### "EXPANSION OF PROGRAM

"SEC. 503. (a) Section 303(c) of the Adult Education Act of 1966 is amended by adding at the end thereof the following new sentence: 'Such education may include citizenship training, parent education, and consumer education.'

"(b) Effective after June 30, 1968, section 305(a) of such Act is amended by striking out 'who have completed not more than five grades of school (or have not achieved an equivalent level of education)' and inserting in lieu thereof 'who do not have a certificate of graduation from a school providing secondary education (or its equivalent)'."

On page 136, line 24, strike out "SEC. 503" and insert in lieu thereof "SEC. 504".

On page 137, line 6, strike out "504" and insert in lieu thereof "505".

On page 137, line 9, strike out "\$70,000,000" and insert in lieu thereof "\$90,000,000".

On page 137, line 10, strike out "\$80,000,000" and insert in lieu thereof "\$100,000,000".

On page 137, line 11, strike out "\$90,000,000" and insert in lieu thereof "\$110,000,000".

Mr. HARTKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. Is there any limitation on time?

The PRESIDING OFFICER. There is no limitation on time.

Mr. HARTKE. Mr. President, I have called up my amendment to improve the provisions of H.R. 7819 with respect to title III of the 1966 Elementary and Secondary Education Amendments, the Adult Education Act of 1966.

The amendment I offer is based on my bill S. 1995, on which it was my privilege



to testify before the education subcommittee on August 9. It encompasses the portion of that bill which would first, expand the definition of adult education to include citizenship training, parent education, and consumer education as permissive in the curriculum; second, strike out the limitation to those who have completed no more than five grades of school and replace it with provision to include those who have not graduated from high school or received an equivalency certificate; and, third, in order to enable the public schools, or the non-profit agencies specified in the committee bill, to conduct a program reaching into the dropout group above the fifth grade level, the amendment authorizes an additional \$20 million for each of the fiscal years 1969, 1970, and 1971, raising the totals for those years to \$90 million, \$100 million, and \$110 million respectively. There is no additional money authorization for fiscal 1968, which would remain at the committee figure of \$60 million.

Mr. President, I am proud of the fact that the Adult Education Act of 1966 was derived from my bill in the 89th Congress, S. 3012. It was a great forward step when for the first time we moved to authorization of Federal support to adult education programs through the public schools designed to go beyond the idea of basic adult education. Part of that forward step was the placing of both adult education as defined in the act and basic adult education, formerly in the Office of Economic Opportunity, under the Office of Education.

But it was only a first step. It is for that reason that I submitted S. 995 this year, and I am grateful to the committee for the consideration it was given in hearings. I am pleased with the forward steps they have taken in presenting to us the changes they have incorporated in the present bill. Those changes are outlined on pages 46 to 48 of the committee report. They include greater equity for all the States through the new basic allotment provision, the inclusion of private nonprofit agencies for special projects reimbursable by the State agency, a 100-percent Federal share for the Pacific Trust Territory, extension of the program for 3 years, and an increase in authorizations.

While these are desirable changes, they do not go to the heart of the problem of adult educational deficiencies. It is fine and necessary to remedy the basic illiteracy of those who have never gone to school and who are not even able to read and write—a shameful 3 million in this country; or of the 11 million who have the equivalent of less than 6 years of schooling. But the adult who has not completed high school finds that most of the doors to further vocational and civic effectiveness remain closed to him. Possession of the high school diploma is increasingly a basic requirement for securing employment, for advancement on the job, for enrollment in job retraining, for admission to institutes of higher education, and for increased personal and cultural status with fellow workers and members of his family.

The purpose of the Adult Education Act as set forth in my original bill, S.

3012, was stated as "to encourage and expand educational programs for adults who have not completed secondary school or otherwise achieved an equivalent level of education." But as enacted, the purpose as stated is "to encourage and expand basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training," and so on.

The amendment now offered is an attempt to once more return to the concept of assistance through adult education in the public schools not merely to the very most educationally deprived but to all who have not completed high school. As I envision it, we should be mounting a massive attack on all educational deficiencies below the high school graduation level, opening up opportunity for those who at any time became dropouts before securing such an attainment. This is not to minimize the need for special concentration, in words from section 305(a) of the present law, upon "adults who have completed not more than five grades of school." But these are not the only educationally disadvantaged in today's America, where full opportunity for high school level achievement needs to be offered the person over 18 who wants to make up for an earlier lack. The change I propose, therefore, would replace the portion I have cited—the fifth-grade standard—by expansion to all who have not completed secondary education. In short, what is proposed is the continuation of what we have started—the upgrading of our sights and our program to create opportunity and encouragement for all elementary and secondary school dropouts.

Mr. President, there are some 60 million people in the United States who have not completed a high school education. Yet there are very few evening or adult high schools where dropouts in adult life can earn a high school diploma. I am informed that Ohio, for example, with 3½ million persons over 18 who have not completed high school—and Ohio is fairly typical—has only 12 chartered adult public high schools where such a person can earn a high school diploma. Even these are not under any State plan, as the Adult Education Act would provide, but entirely at the option of the local school district—and for those who attend, tuition is almost universally involved.

Federal educational efforts to date have been geared almost entirely to the vocational training of the unemployed and the teaching of functional illiterates. Of the hundreds of bills passed by Congress relating to education, none to this date enables a high school dropout to complete his high school education. Here, as I said last year, is the one remaining void in our efforts, which otherwise extend from Operation Headstart for the pre-schooler to support postgraduate college education in a variety of fields from science to veterinary medicine.

But while we are concentrating much effort on those who are actually in school, or who are about to begin, once a youth has dropped out society tends to write

him off as having had his chance and therefore he is condemned to the limited opportunities open because of his limited education. Today, more than ever before, there is a general realization that failure to complete high school is a great handicap. Between 1953 and 1963, jobs filled by high school graduates increased by 30 percent—but at the same time jobs for those with only an eighth-grade education decreased by 25 percent. Many of those affected, many of those who have dropped out in the past, now realize their error. But they have no recourse. They are out. They are penalized for their lack, without the opportunity to make it up.

Yet it can be done. In order to do it, however, on a general scale, we cannot rely on initiative from the local school system, already so hard pressed and bulging at the seams as the school-age population exerts its pressures. There is need for funds, for specific adult education divisions in public school systems far beyond those existing, for opportunities which many of these people would gladly seize if they were available.

As I pointed out last year, in an Office of Education study it was found that only 4,480 school systems out of 15,200 offered any type of adult education program. Yet the city of Los Angeles illustrates what can be done. There—and the figure is doubtless higher now—in 1964 the school system operated 27 adult schools with 100 branches, and the enrollment was 66,000. In Indianapolis the Arsenal Technical High School, working with the State educational office, provides instructors and conducts programs in four manufacturing companies, with the classes held in the plant before or after shifts. Western Electric, for example, held a cap-and-gown graduation for its in-plant high school this year in which the graduates marched through the plant to the applause of fellow workers at their machines. Thirty-six received diplomas.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly so that we may ask for the yeas and nays on the amendment?

Mr. HARTKE. I am glad to yield.

YEAS AND NAYS ORDERED

Mr. BYRD of West Virginia. Mr. President, I request the yeas and nays on the pending amendment.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. The Chair requests that the Senator from Indiana suspend momentarily so that the Presiding Officer may request order in the Senate.

The Senate will be in order.

The Senator from Indiana may proceed.

Mr. HARTKE. Mr. President, I visited the Western Electric plant and I had an opportunity to witness classes in session. It was quite an experience. Before a man can be employed at this plant he must have a high school diploma or its equivalent.

Here we have an excellent example of









Public Law 90-210  
90th Congress, S. 2126  
December 18, 1967

## An Act

To amend the Food and Agriculture Act of 1965.

81 STAT. 657

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

Food and Agri-  
culture Act of  
1965, amend-  
ment.  
79 Stat. 1206.  
7 USC 1838.

Approved December 18, 1967.

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### LEGISLATIVE HISTORY:

HOUSE REPORT No. 913 accompanying H. R. 2375 (Comm. on Agriculture).

SENATE REPORT No. 475 (Comm. on Agriculture & Forestry).

CONGRESSIONAL RECORD, Vol. 113 (1967):

Aug. 4: Considered and passed Senate.

Nov. 20: Considered and passed House, amended, in lieu of  
H. R. 2375.

Dec. 7: Senate concurred in House amendment.



